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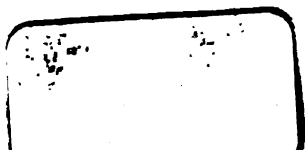
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C A S E S
ARGUED AND DETERMINED

RELATING TO

THE POOR LAWS,

TO

POINTS IN CRIMINAL LAW,

AND OTHER SUBJECTS

CHIEFLY CONNECTED WITH

The Duties and Office of Magistrates:

COMMENCING WITH MICHAELMAS TERM, 7 WILL. IV.

REPORTED BY THOMAS PEAKE, JUN. Esq.,

AND

WILLIAM GOLDEN LUMLEY, Esq.,

BARRISTERS-AT-LAW.

SUPPLEMENT

TO

THE LAW JOURNAL REPORTS

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REPORTS OF CASES

CONNECTED WITH

THE DUTIES AND OFFICE OF MAGISTRATES:

COMMENCING IN

MICHAELMAS TERM, 7 WILL. IV.

1836. } THE KING V. THE INHABITANTS
Nov. 16. } OF KELVEDON.

*Poor Law Amendment Act, 4 & 5 Will. 4.
c. 76—Examination—Evidence.*

The act of 4 & 5 Will. 4. c. 76. requires that the respondent should send a copy of the examination of the pauper, on which the order of removal was obtained, and provides, that the respondent shall not be allowed to go into evidence of any other ground of removal than that which appears on the examination:—Held, that where, upon the examination, the pauper stated that his father belonged to the appellant parish, and that he continued to belong there till his death, and that he had heard him say he was a certificated man from the appellant parish, it was competent to the respondents to go into evidence, that the pauper's father gained a settlement in the appellant parish by apprenticeship, and that he was a certificated man from that parish; and the Sessions having refused to hear such evidence, the case was sent back to be heard.

Upon appeal against an order, by which James Bird, his wife, and three children, were removed from the parish of Kelvedon in Essex to the parish of Colsterworth

in Lincolnshire, the Sessions quashed the order, subject to the opinion of the Court upon a

CASE,

by which it appeared, that the pauper having, subsequently to the 1st of November 1834, become chargeable to the parish of Kelvedon, an order of Justices was obtained for the removal of himself, his wife, and children, to the parish of Colsterworth, and in compliance with the 79th section of 4 & 5 Will. 4. c. 76, notice of their being chargeable, and a copy of the order of removal, and a copy of the examination on which the order of removal was made, was sent to the overseers of Colsterworth. The examination ran thus:—

“I was born at Kelvedon, in the county of Essex, where my father then resided, but belonged to the parish of Colsterworth in Lincolnshire, and continued to belong there till his death, as I have heard and believe; and I have also heard him say, that he was a certificated man from the said parish of Colsterworth in Lincolnshire. That I have never done any act whereby to gain a settlement in my own right to the best of my knowledge and belief. That I have a wife,” &c.

The overseers of Colsterworth, within

twenty-one days after the notice of chargeability, &c. was sent them, gave notice of appeal, and with such notice, a statement in writing of the grounds of appeal as directed by the 81st section of the act. The statement was as follows:—"That the father of the pauper, James Bird, never was legally settled in our parish of Colsterworth, nor was there ever a certificate granted by our said parish of Colsterworth, owning the pauper's father to be legally settled in our parish of Colsterworth, as in the examination in this case is stated; and take notice, that, at the trial of the appeal, we mean to avail ourselves of both or one of the said grounds in support of the said appeal."

On the appeal coming on to be tried at the Essex Easter Sessions, the respondent's counsel proposed to prove a settlement gained by the pauper's father in the parish of Colsterworth by apprenticeship, upon which it was objected, that such evidence could not be received, on the ground, that the respondent parish was not at liberty, under the 81st section of 4 & 5 Will. 4. c. 76, to give evidence of any other grounds of removal than those set forth in the order of removal and examination; and that it was not stated, in the order of removal or examination, as a ground of removal, that the pauper's father had acquired a settlement by apprenticeship in the parish of Colsterworth. The Court decided, that the respondents were not at liberty to give the evidence proposed, and quashed the order as above stated.

Sir W. W. Follett and Ryland, in support of the order of Sessions.—The present is a question of considerable importance, as regulating the practice of the Sessions under the Poor Law Amendment Act, and turns upon two of the sections of the act: the 79th, which requires that notice of chargeability, together with the examination on which the order of removal was obtained, shall be sent with the order to the parish to which the removal is to be made; and the 81st section, which enacts, "that fourteen days at least before the trial of the appeal, the appellants are to send notice, with a statement of the grounds of appeal;" which section also provides, "that it shall not be lawful for the respondent or appellant parish, on the hearing of any ap-

peal, to go into, or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid." The question is, what construction the Court will put upon that proviso. The question was once before the Court in *The King v. the Justices of Cornwall* (1).

[COLERIDGE, J.—The question there was as to the sufficiency of the statement by the appellants: that is not the question here.]

It would appear to have been the intention of the act to confine the respondents to the ground upon which the order of removal was made, as stated in the examination, in the same way as the appellants are confined to the ground of appeal, as appears by the statement sent with the notice. The examination merely states that the pauper's father belonged to the parish of Colsterworth, and the pauper had heard him say, that he was a certificated man from that parish.

[COLERIDGE, J.—The parish cannot alter the language of the pauper, but they may put the ground of appeal in their own language.]

The question is, whether it ought not to have been stated on the examination, that the pauper's father had gained a settlement by apprenticeship in the parish of Colsterworth; and, as to the difficulty suggested that the parish could not alter the language of the pauper, it was incumbent on the overseers applying for the order of removal to inquire more particularly as to the fact, how the pauper's father belonged to the parish of Colsterworth; whether he was settled there, and how settled; whether by

(1) The case of *The King v. the Justices of Cornwall* will be found reported in 5 Law J. Rep. (N.S.) M.C. 106. It will not be out of place here to observe, that in a case of *The King v. the Inhabitants of Castleton*, N. R. Clarke, on the 3rd of November, moved for a mandamus to Justices to hear an appeal. In that case, the ground of appeal stated was, that the pauper had subsequently gained a settlement in another parish by hiring and service. The Sessions thought the notice insufficient in not stating with whom the hiring and service was, and refused to hear the appeal; and *The King v. Cornwall*, as reported in Archbold's Practice, being cited, Lord Denman, C.J., said, "It strikes me that that goes a little too far; and I am not disposed to think that the language, as there stated, is right. Your case, however, goes much further than that—take a rule."

apprenticeship, hiring and service, or what other mode, so that it might have appeared on the examination. If the Court are to say that this loose and general statement on the examination, is sufficient to enable the removing parish to go into evidence of the means by which he became settled, no information is conveyed to the overseers of the appellant parish whatever, and the Court will not be fulfilling the intention of the act of parliament.

[COLERIDGE, J.—Suppose, on the examination it had been stated, that the pauper's father was settled in the parish of Colsterworth, would you prevent the overseers of the removing parish from going into any evidence as to how he was settled?]

It is apprehended that that would be no examination under the act.

Knox, contra, with whom was C. R. Turner, was stopped by the Court.

LORD DENMAN, C.J.—The act of parliament might have required a statement of the grounds of removal to be sent by the respondent parish, and might have thus thrown upon the respondents the same strictness as to that statement, as is by the act thrown upon the appellants, in the statement of the grounds upon which they appeal. It has not, however, thought proper to do so, and the reason appears pretty obvious. The appellants know the grounds upon which they appeal; and they can state, in their own language, what those grounds are. The order proceeds upon the examination of the pauper, and all that is required of the respondent parish is to send the examination upon which the order was obtained. All that was required of the respondents has been done in this case, and they ought to have been permitted to go into evidence of the settlement.

PATTERSON, J.—I am of the same opinion. The appellants, in the statement of their ground of appeal, have treated the examination as conveying to them an intention, on the part of the respondents, to prove a settlement of the pauper's father in the parish of Colsterworth, and that he was a certificated man from that parish.

WILLIAMS, J.—I am also of the same opinion. Whether the examination was properly taken is quite immaterial. The examination was taken; and such as it was,

it was sent with the order of removal to the appellant parish. Then, did the respondent parish attempt to travel out of the ground of removal as it appeared upon the examination? In the statement by the appellants of the ground of appeal, the appellants say, that the pauper's father never was settled in the parish of Colsterworth, nor was there ever any certificate granted; so that they understood the ground on which the order of removal was obtained to be, that the pauper's father was there settled, and was a certificated man when residing at Kelvedon.

COLERIDGE, J.—There is a great difference in the language of the statute as applicable to the statement of the grounds of appeal by the appellant, and the sending of the examination by the respondent parish. The legislature have taken care that the appellants should not be prejudiced by any looseness or generality of statement in the examination, by enacting, that no removal shall take place till after the expiration of twenty-one days after notice of chargeability, and in the meantime free access is given to the appellants to the pauper; and, if the generality of the examination is such as to give them but little information, they have an opportunity of obviating that by inquiry more particularly of the pauper himself as to the nature of his settlement.

Order quashed. The case to go back to Sessions to be heard.

1836. } THE KING v. THE INHABITANTS
Nov. 16. } OF HOLBEACH.

Poor Law Amendment Act, 4 & 5 Will. 4. c. 76.—Appeal, Statement of Grounds.

Where the ground of appeal was stated to be, that the pauper, at the time when he hired himself (as stated in the examination) and before the completion of the bargain, stipulated with his master, that out of his year's service he should be allowed to have two days holidays at Spalding club-feast, in the month of July, and that the pauper was allowed and did take and absent himself from his master's service during the said two days accordingly:—Held, that it was not competent for the appellants, under that notice, to prove a bargain for one

day's holiday to go to Holbeach fair, and that the pauper had such holiday in pursuance of the bargain.

Upon appeal against an order, by which George Hobson, his wife and children, were removed from the parish of Holbeach, in the parts of Holland, in the county of Lincoln, to the parish of Spalding, in the same parts and county, the Sessions quashed the order, subject to the opinion of this Court upon the following

CASE.

The grounds of removal, as set forth in the examination of the pauper, a copy of which was sent to the appellants, with the order for his removal, pursuant to the statute 4 & 5 Will. 4. c. 76, were as follows, viz. "that about three years ago the pauper was hired by, and did contract and engage to serve John Boston, of the parish of Spalding in the said parts and county, farmer in husbandry, for one year, at the wages of 8*l.* 15*s.*, and that he served his said master under that hiring the whole of the same year in the said parish of Spalding, and received the said wages." The notice of appeal, which also contained the grounds thereof, pursuant to the 81st section of the said act, stated such grounds of appeal to be as follows, viz.—"The grounds of such appeal are, that, at the time of the said pauper, George Hobson, letting himself to, and contracting and engaging to serve, John Boston, of Spalding aforesaid, farmer in husbandry, as mentioned in the copy of examination of the accompanying order of removal, and previous to the completion of their said bargain, and before any earnest and fasten-money was paid, the pauper George Hobson did stipulate and agree with John Boston, his intended master, that he should, out of his year's service, be allowed and have two days' holidays at Spalding club-feast, in the month of July, and that the pauper George Hobson was allowed and did take and absent himself from his master's service during the said two days accordingly, whereby he did not gain any settlement in our said parish of Spalding." The pauper proved that he did hire himself for one year to John Boston, to serve him in the parish of Spalding, at the wages of 8*l.* 15*s.*, and that he duly

served his master under that hiring in the parish of Spalding for the year, and received his wages; but, upon cross-examination by the attorney for the appellants, he admitted, that, at the time of so hiring himself to Boston, he bargained for one day's holiday to go to Holbeach fair, and that he had such holiday in pursuance of the said bargain; but he denied that he made any bargain to have holidays at Spalding club-feast, and, in fact, he had not any such holidays. The attorney for the respondents contended, that, as the holiday for Holbeach fair formed no part of the grounds of appeal, the appellants could not go into it. The Court of Quarter Sessions, however, being of opinion that they were not precluded from receiving the pauper's evidence of the holiday for Holbeach fair, and treating that as an exceptive hiring, quashed the order, subject to the opinion of the Court of King's Bench whether, by section 81 of the statute 4 & 5 Will. 4. c. 76, and by the grounds of appeal hereinbefore set forth, they were precluded from receiving such evidence, and if they were, the order was to be quashed.

Amos, in support of the order of Sessions, submitted, that the Sessions were right in not considering themselves precluded from receiving the pauper's evidence as to the holiday for Holbeach fair, which made it a case of exceptive hiring. The ground of appeal, which was stated with the notice, was, that it was an exceptive hiring; and, whether it was so by reason of having holidays for Spalding club or for Holbeach fair, would make no difference. The proof was of an exceptive hiring, and the Court below were satisfied that it was so,—will this Court, then, interfere?

LORD DENMAN, C. J.—If they had stated only, as a ground of appeal, that the hiring with John Boston was an exceptive hiring, in all probability that would have been sufficient to have enabled them to go into the evidence offered in this case; but they particularize the contract with the master, upon which they ground their objection of its being exceptive, which contract they do not prove, but prove something else. It is easy to suppose a case where the additional statement might be put there, in order to mislead. We think it quite clear, that we

should hold the rule strict, that the appellants should confine themselves in their proof to the ground stated with the notice of appeal. Where the notice states more where less might be sufficient, and that additional statement is incorrect, the notice is insufficient to enable the parties to vary that additional statement in proof. With which—

PATTESON, J., WILLIAMS, J., and COLLEDGE, J. concurring—

Order quashed.

1836. }
Nov. 21. } THE KING v. MARSH.

Grand Jury, Finding by—Indictment, Quashing.

In point of law, no more than twenty-three persons can be sworn on the grand jury; and an indictment found by a grand jury, on which were sworn twenty-five, was held bad.

But the Court will not, after the indictment has been removed by the defendant by certiorari, and he has pleaded and been convicted, quash the indictment, but leave the party to move in arrest of judgment, bring his writ of error in law or in fact, according to whether the error appears upon the record or not.

The defendant was indicted at the Dover Sessions, in the spring of 1836, for soliciting and inducing a third party to personate a voter for the election of councillors for the borough. That indictment was removed by *certiorari* into this court by the defendant, and he pleaded not guilty; and at the trial, before Lord Abinger, C.B., at the last Summer Assizes, for the county of Kent, the defendant was convicted of the offence with which he was charged.

By affidavit, it appeared that on the grand jury who had found the bill at the Dover Sessions, twenty-five grand jurymen were sworn; and the foreman of the grand jury also made an affidavit, in which he stated that of the grand jury twelve were for finding the bill, and twelve were against it, upon which the foreman applied to the recorder to know whether it was necessary that the bill should be found by a majority, and was told by that learned gentleman, that all that was required was, that it should be found by twelve: upon

this, the foreman signed his name to the bill as a true bill, although he himself was averse to the finding of it.

Mr. Attorney General (Campbell), on a former day in this term, (November 5,) applied for a rule calling on the prosecutor to shew cause why the indictment should not be quashed. He contended, that it was necessary that the bill should be found by the majority of grand jurymen, and that the direction of the recorder to the foreman, though correct on the presumption that only twenty-three were sworn, as then twelve would be a majority, misled the foreman, under the circumstances, to put his name to the bill, which he would not otherwise have done.

[LORD DENMAN, C.J.—The indictment must be found by twelve; but is there any authority for saying that it must be found by a majority? The principle on which I have always understood this to rest is, that no man shall come to peril, except on the finding of two juries of twelve that he is guilty; and, moreover, can we receive the affidavit of the foreman of the grand jury? Is not the fact which he states, the counsel of his fellows?]

The oath of the grand jurymen, and the restriction contained in it, is with regard to the evidence which was before them, and does not go beyond that; besides, the Judges have held, that where public justice requires a dispensation with the oath of secrecy, it may be dispensed with—4 *Christ. Black.* 126, n. Now justice does require in this case, that the oath of secrecy should be dispensed with; but if the Court should think that the foreman's affidavit is not to be taken, the fact of twenty-five being sworn on the grand jury, appears on affidavit made by others. The grand jury must be limited to the number of twenty-three—*Arch. Cr. Law*, 56; 2 *Burr.* 1088; 4 *Blac.* 306; and as more than the proper number were sworn, the bill found by that grand jury is a nullity; because it is impossible to ascertain whether it was found by twelve of the twenty-three first sworn, or whether the twelve who found the bill were made up of the two beyond the proper number. Then that this Court have power to quash an indictment even after judgment, 2 *Hawk. P.C.* chap. 50, entitled 'Of avoiding Judgments,' is an au-

thority. *The King v. the Justices of Middlesex, in re Bowman* (1), will also be in the recollection of the Court, where, from the irregularity of the adjournment of the Middlesex Sessions, the indictments found at that adjournment were considered void.

[LORD DENMAN, C.J.—The Judges did not come to any legal decision on that point, but thought it safer to take the course which was then pursued.]

The King v. Dickinson (2) is also an authority to shew the invalidity of the indictment. In that case, the indictment had been found by the grand jury, upon the testimony of witnesses who had not been sworn; and although the Judges did not determine in that case that the indictment was void, they recommended that the prisoner should be pardoned. In *Com. Dig.* 'Indictment,' (A), it is said, "If there be one bad jurymen, the whole indictment shall be avoided."

LORD DENMAN, C.J.—We think that you should have a rule to shew cause, on the ground that the ancient and established practice has been departed from, by swearing twenty-five instead of twenty-three grand jurymen.

And now (November 21) cause was shewn against the rule which had been obtained, by—

Platt and Adolphus.—On the face of the indictment, it must be assumed that the bill was found by twelve grand jurymen, and all that appears to be necessary is, that it should be found by twelve or more; and there is no case which decides that the grand jury must be twenty-three in number, and no more—*Co. Lit.* 126, b. An indictment signifieth in law an accusation found by an inquest of twelve or more upon their oath—2 *Hale, P.C.* 154; 2 *Hawk. P.C.* c. 25; *Com. Dig.* 'Indictment,' (A). *Vin. Abr.* 'Indictment,' also adopts the definition given by Hawkins, and 4 *Black.* 306, it is thus stated: "But to find a bill, there must at least be twelve of the jury agree; for so tender is the law of England of the lives of the subjects, that no man can be convicted at the suit of the

king, of any capital offence, unless by the unanimous voice of twenty-four of his equals and neighbours, that is, by twelve at least of the grand jury in the first place assenting to the accusation, and afterwards by the whole petit jury of twelve more finding him guilty on his trial. But if twelve of the grand jury assent, it is a good presentment, though some of the rest disagree"—2 *Hale, P.C.* 161. Then as to the necessity of the number of the grand jury being limited to twenty-three, there is no authority for that position. It is certainly the practice so to limit them for the sake of convenience. The only authority on the point is the case 2 *Burr.* 1088, which is not so much a report, as a legal anecdote of what took place on swearing in the grand jury on the accession of George III. Then, secondly, this is not the proper time to quash the indictment. Suppose that the indictment were not found upon the oaths "*bonorum et legalium hominum*," that would avoid the indictment; and yet it will be found on reference to *Viner*, and the cases there collected, that the objection, if taken at all, must be taken by plea. This now comes as matter of objection to the jurisdiction, and the form of the motion is in abatement. The indictment was found at the sessions, from whence it was removed by the defendant himself, whereby he admitted that there was such an indictment, and he has been convicted upon the indictment so admitted to be against him. What would be the state of the record, if the Court were to accede to this motion? It would appear upon the face of the record, that the indictment was found, and sufficiently found, and that the defendant put himself upon the country, was convicted, and the indictment quashed; but for what, will not appear.

[COLERIDGE, J.—Will it not appear on the record, that the indictment was found by twenty-five jurymen? In the Appendix to *Blackstone*, the form given sets out all the names.]

That is not the practice of the Dover Sessions. The names of all the jurymen are not set out upon the record, and as the objection does not appear upon the record, that strengthens the argument as to its being waived by appearance.

[COLERIDGE, J.—May not this be error in fact?]

(1) 3 *Nev. & Man.* 110; s. c. 3 *Law J. Rep.* (n.s.) *M.C.* 32.

(2) *R. & R. C.C.* 401.

The King v. Sheridan (3) was referred to also.

Mr. Attorney General (*Campbell*) was stopped on the first point.

[LORD DENMAN, C.J.—The Court has no doubt whatever, that the number of the grand jury is by law limited to twenty-three. There is no express decision on that point, but by the practice, which is the most certain guide in the absence of decisions, it has always been so limited; and the only point to which we wish you to draw your attention is, as to the time of taking the objection.]

Mr. Attorney General (*Campbell*) and *Channell*, on the second point.—If, then, it is required by law, that only twenty-three should be sworn on the grand jury, and in the present instance, the jury who found the bill were composed of twenty-five, the indictment so found is a nullity. It is a document on which no king's subject ought to have been put upon his trial. It is said, that this is a matter that ought to have been pleaded in abatement, a position unheard of and unthought of, before the present moment. It has been suggested, that a writ of error, either in law or in fact, according to whether the names of the grand jury are set out upon the record or not, is open to the defendant; but supposing that to be the case, there is no inconsistency in another remedy being also open to the defendant. In civil cases, where a party has a remedy by *audita querela*, the Court will give relief on motion, and *a fortiori* will they give that relief on motion in the present case of a criminal proceeding, subjecting the party to punishment on an indictment, which is made to appear on affidavit to have been illegally found, and not valid in point of law. If, therefore, the Court can be convinced, that either upon a writ of error in law or a writ of error in fact, there would be ground for avoiding the indictment, they will, upon this application, afford the defendant the same relief by quashing the indictment on motion.

LORD DENMAN, C.J.—No authority has been quoted to shew, that the Court is bound to quash an indictment for the mis-

take which has happened in this case. That may appear on the caption of the indictment, and then the defendant will be entitled to question its validity on a writ of error in law. If it does not appear on the caption, he may bring it forward by a writ of error in fact. Supposing it be a ground in arrest of judgment, that mode of proceeding is still open to him; but the defendant is not entitled to call upon us to quash the indictment.

PATTESON, J.—We ought to have some express authority, shewing that the indictment may be quashed, after the party has pleaded to it, for the defect which is alleged. The defendant may move in arrest of judgment; or may bring error in law or in fact, as the circumstances may be.

WILLIAMS, J. and COLERIDGE, J. concurred.

Rule discharged.

1836. }
Nov. 9. } THE KING v. RICHARD HIGGINS.

Certiorari—Costs—Court below.

Where an indictment is removed by certiorari, this Court has no jurisdiction over the costs incurred in the court below previous to the delivery of the writ of certiorari.

Thus, where the defendant had sued out a writ of certiorari in March, and, after three Sessions had passed, gave notice of trial, and the prosecutor was ready with all his witnesses, but, at the conclusion of the Sessions, the defendant delivered in to the Justices the writ of certiorari,—The Court, on quashing the writ and awarding a procedendo, would not make the defendant pay the costs incurred at the last sessions.

The defendant had been indicted for obstructing a road, and a true bill found at the October Sessions for the county of Hereford in 1834. At the following Sessions, January 1835, the defendant appeared and pleaded not guilty, and traversed to the April Sessions. The defendant gave no notice of trial of the traverse for that Sessions, and his recognizance was respited till the Midsummer Sessions. No notice of trial was given for that Sessions, and the

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defendant's recognizance was again respited till the Michaelmas Sessions. Eight days before these Sessions, notice was given of trial of the traverse, and the prosecutor prepared for trial. The Sessions commenced on the 19th of October, and lasted till the afternoon of the 21st, when they were prepared, for the prosecution, to go into the evidence, and make out their case. Nearly at the close of the Sessions, the defendant's attorney delivered in to the Court of Quarter Sessions a writ of certiorari, which had been sued out in the month of March preceding. No countermand of notice of trial had been given, nor had the prosecutor any knowledge of the writ of certiorari having been sued out, until the time when it was produced to the Justices.

A rule had been obtained, calling on the defendant to shew cause why the writ of certiorari issued in this prosecution should not be quashed, and a writ of *procedendo* awarded; and why the defendant should not pay to the prosecutor or his attorney the costs incurred by him in this prosecution at the last Michaelmas Sessions. Against this rule cause was shewn (on affidavits endeavouring to excuse the delay, but which the Court did not think satisfactory,) by—

Talfourd, Serj. and Kelly, who contended, that the Court had no power or jurisdiction to give to the prosecutor the costs which had been incurred in the court below. No doubt, there are cases in which, after removal by certiorari, the Court having become seised of the cause, has ordered costs to be given to the party; but there is no case in which the Court has interfered to award costs for what occurred before the case was brought up by certiorari. The costs incurred here were in the court below, before removal by certiorari, and they will follow as a matter of course, if the prosecutor goes on, on the *procedendo*.

Maule and Greaves, contra.

[LORD DENMAN, C.J.—Do you think you can maintain your application for costs?]

The case of *The King v. Bartrum* (1) is an authority to shew, that the Court have power to award costs in a criminal case against a party who does not proceed to trial pursuant to his notice. Here, the de-

fendant kept the certiorari in his pocket for three successive Sessions without producing it, or any notice being given to the prosecutor that a certiorari had been sued out. The costs were incurred subsequent to the suing out of the certiorari. The writ having been sued out, the Court had seisin of the cause from that time, and the costs were incurred in consequence of the notice of trial not having been countermanded or any intimation given to the prosecutor that the writ had been sued out. *Stacey v. Evans* (2) and *Jones v. Davies* (3) are in point.

LORD DENMAN, C. J.—I should think that the case of *Stacey v. Evans* proceeded on the authority of the case of *Jones v. Davies*; and that case is certainly denied as law by my Brothers Littledale and Taunton, in *The King v. Pasman* (4). It does appear to me that the circumstances entitle the prosecutor to the rule for quashing the certiorari and awarding a *procedendo*; but with regard to costs, I cannot find that this Court has any authority to grant costs; and I take it that *Jones v. Davies* and *Stacey v. Evans* must be considered as overruled by *The King v. Pasman*.

Rule absolute accordingly.

1836. } THE KING v. THE JUSTICES OF
Nov. 13. } MIDDLESEX.

Highway—55 Geo. 3. c. 68—Order for diverting and stopping up.

An order of Justices for diverting a public highway and substituting a new one, containing in it also an order for stopping up the old highway, under 55 Geo. 3. c. 68, is bad: to effect both purposes, two separate and distinct orders are necessary.*

(2) 13 Price, 449.

(3) 1 B. & C. 143; s. c. 1 Law J. Rep. K.B. 54.

(4) 1 Ad. & Ell. 603; s. c. 3 Law J. Rep. (N. S.) M.C. 111.

* It was also held, in a case which came before the Court in this term, of *The King v. the Inhabitants of Milverton*, "That a joint order for stopping up several distinct highways, was invalid." See post, *The King v. the Inhabitants of Milverton*.

(1) 8 East, 269.

The Justices, at special sessions, made an order, dated the 5th of August, for stopping up and diverting a public footway, which ran as follows:—"We, Sir James Williams, Knt., Sir Charles Forbes, Bart., Edward Orme, and Robert M'William, Esqrs., four of his Majesty's Justices, &c., having, upon view, found that a certain part of a public footway, situate, &c., and particularly described in the plan thereto annexed, may be diverted and turned so as to make the same more commodious to the public; and having viewed a course proposed for a new public footway in lieu thereof through," &c. The order then recited the assent of the owner, and then proceeded—"We do hereby order, that the said part of the said public footway be diverted and turned through the lands aforesaid; and we do further order, that the said part of the said public footway shall be stopped up, according to the provisions of the statute in that case made and provided; and that the master or keepers or wardens and commonalty of the mystery or art of brewers of the city of London, governors of the possessions, goods, chattels, and revenues of the free grammar school and almshouses of Richard Platt, in the parish of Aldenham, in the county of Herts, whose lands adjoin thereto, and who are the owners of the lands through which the said proposed new public footway will pass, shall respectively take and accept the said part of the said old public footway so ordered to be diverted, turned, and stopped up in exchange for the said proposed new public footway. Given under our hands and seals the day and year first above written," &c. On appeal to the Quarter Sessions, this order was confirmed.

A rule had been obtained for a certiorari to bring up both orders, and to quash them. Against this rule cause was shewn by—

Mr. Attorney General (Campbell) and *J. Greenwood*, who, as a preliminary objection, contended, that the certiorari was too late in this case. The order was made on the 5th of August, and the certiorari was not issued till the 5th of April ensuing; so that more than six months had elapsed between the date of the order and the moving for a certiorari. It will be said, that they are entitled to move the order of Sessions be-

cause the certiorari was within six months of the date of that order; but they cannot delay removing the original order until the decision of the appeal at the sessions. *The King v. Boughey* (1) establishes the principle, that the certiorari must be moved for within six months of the date of the instrument, the validity of which is intended to be questioned. But, supposing the Court to be of opinion that the certiorari was moved for in time, the objection which is intended to be taken to the order is, that it contains an order for diverting a public footway, and also an order for stopping up the old footway. This objection cannot be supported. In the case of *The King v. the Justices of Kent* (2), which will be relied on as an authority in support of the objection, the Court granted a certiorari to bring up a double order of this kind; and Lord Tenterden said—"The statute gives no power to make such an order, and there is no form in the schedule applicable to such a mode of proceeding." This decision, however, is entirely at variance with the enactment of the 55 Geo. 3. c. 68. Both the enacting clause (the 2nd section), and the form given in the schedule, shew, that there may be one single order for diverting and stopping; but the latter part of the order is not to be acted upon until a certificate has been obtained of two Justices, of the new road being in repair and fit for passing. No inconvenience can arise, as any of the public have a right of appeal immediately on making the order.

Wightman, contra.—It appears to be admitted, on the other side, that, if the judgment of Lord Tenterden was correct in *The King v. the Justices of Kent*, this rule must be made absolute; and, taking the statutes of 13 Geo. 3. c. 78. and 55 Geo. 3. c. 68. together, it will be found that that judgment is perfectly correct in point of law; and that those acts are to be taken together, is clear from *The King v. Shepard* (3) and *The King v. the Justices of Kent*. The 55 Geo. 3. c. 68. repeals the 19th section of 13 Geo. 3. c. 78; but the 2nd section of 55 Geo. 3. c. 68. re-enacts

(1) 4 Term Rep. 281.

(2) 10 B. & C. 477; a. c. 8 Law J. Rep. M.C. 73.

(3) 2 B. & Ald. 414.

the provisions of the 19th section, enabling Justices, at special sessions, to divert and turn, and stop up, any unnecessary highway, bridleway, or footway, by such ways and means, and subject to such exceptions and conditions, in all respects, as in the said recited acts is mentioned with regard to highways to be widened and diverted. For all purposes of diverting roads, the statutes are to be taken as the same, and the conditions to be observed are those pointed out by the 16th and 17th sections of 13 Geo. 3. c. 78—*The King v. the Justices of Worcestershire* (4). Lord Tenterden expressly remarks, that there is no form given for this double order for diverting and stopping. The form, 21st schedule to 13 Geo. 3, is for diverting and turning only. It may be said, that the diverting and stopping is to be a simultaneous act, because it is to be done at the same sessions. But, looking at the 13 Geo. 3. alone, there could be no doubt but that the two orders must be separate; and there is no form given in the schedule of 55 Geo. 3. c. 68. except a form of notice.

LORD DENMAN, C. J.—The first point appears to be disposed of by a variety of cases, having reference to 13 Geo. 3. s. 78; and the period of six months, within which the certiorari is to be brought, is not to commence from the time when the original order was made, but from the time when that order is recorded at the sessions. On the second point, a great doubt may be raised by reference only to the 55 Geo. 3. c. 68; but when we come to look at the words of the 2nd section, and to refer to the provisions of the 13 Geo. 3, that doubt no longer remains. That section enables Justices to make an order for diverting, turning, and stopping up a way by such ways and means, and subject to such exceptions, in all respects, as in the said recited act is mentioned with regard to highways to be widened or diverted. That throws us back upon the 19th section of 13 Geo. 3. On reference to that act the provisions of the 19th section are to be carried into effect by the forms given in that schedule, No. 18 and No. 21. The act of 55

Geo. 3. contains no provision that the two acts which, under 13 Geo. 3. c. 78, were to be done by two separate orders, can be done by one order. The form of the notice is given by the schedule to the last act; but no form of order is substituted for the forms already given by 13 Geo. 3. But, if any doubt remained upon this subject, I think the authority of the decision of Lord Tenterden, in *The King v. the Justices of Kent*, ought to prevail. That decision is founded upon the basis that is now taken; and acting upon that authority, and upon the reasons on which the decision was founded, I think the rule for a certiorari in this case should be made absolute.

PATTESON, J.—With respect to the first point, I think that the appeal to the Sessions having been heard, and they having confirmed the order, the certiorari is well sued out within the six months from the time that the original order was confirmed. If that were not the case, a party might be deprived of the double right which he has, to have the merits decided by the Court of Quarter Sessions, and the opinion of this Court upon the construction of the act of parliament. There is no direct authority for that, but there is what amounts to an authority—*The King v. Sheppard*. Now, with respect to the second question, as to the necessity of an order for diverting the way, and another order for stopping a way up: looking at the last act of parliament alone, I should have thought one order sufficient for both purposes. It enacts, "that it shall be lawful, by order of such Justices, to divert, turn, and stop up such footway:" but then the act goes on to say, "by such ways and means, and subject to such exceptions and conditions, in all respects, as in the act of 13 Geo. 3. is mentioned with regard to highways to be widened and diverted." When I turn to the 19th section of 13 Geo. 3, I find it to contain precisely the same words as those which are in the later statute, and yet under this very word "order," in the singular number, by reference to the forms given in the schedule, it is plain that it was necessary under that act to have two orders.

WILLIAMS, J.—I am of the same opinion. As to the first point, I say nothing. With respect to the second, it is perfectly clear,

(4) 2 B. & Ald. 228.

that, before the passing of the 55 Geo. 3. c. 68, two separate orders were necessary, the one for diverting and turning, the other for stopping up a highway; and the question depends upon whether the 55 Geo. 3. c. 68. has in effect repealed 13 Geo. 3. in so far as the necessity of a double order is concerned. I cannot say that I am, by any means, satisfied, that the new act has dispensed with the necessity of two orders. It has regulated the mode of diverting and turning, and stopping up, by reference to the 13 Geo. 3, in which two forms are given; and, although the 13 Geo. 3. laboriously gives forms, the one for diverting, and the other for stopping, no form of order for diverting and stopping is given in the schedule in the later act.

COLERIDGE, J.—On the first point that has been raised, I do not think that there is any doubt. The case of *The King v. the Justices of Sussex* (5) assumes, that the certiorari is to be moved for within six months from the time when the order is confirmed. Whatever might have been the case were the original order final and conclusive, the order here is a preliminary step; and the question is, whether it shall be inrolled at the sessions. With regard to the last point, I have had some doubt; and, if we had only the words of the last act to look to, I agree with Mr. Greenwood, that the machinery would appear to work better with this one order. That was the way in which I was at first inclined to view it; but I do not think that we are authorized to give that construction to the statute. The statute says, that this is to be done by the ways and means specified in the 13 Geo. 3; and when I come to consider the decision of Lord Tenterden on this subject, although there may be some slight incorrectness of expression, I see no reason for disputing the decision of that great Judge, who was peculiarly versed in matters of this kind.

*Rule absolute for certiorari.
Order quashed.*

(5) 1 Mau. & Selw. 631.

1836. } THE KING v. THE INHABITANTS
Nov. 16. } OF BOBBING.

Poor—Settlement—Parish Clerk and Sexton.

In the year 1811, the offices of parish clerk and sexton of B. becoming vacant, the rector sent for the pauper on a Sunday, and requested him to perform the duty of clerk for that day; the pauper did so; and the rector, on coming out of the desk, told the pauper, "I shall appoint you my regular clerk and sexton, and to follow me in the marriages and funerals." The pauper, upon that, without anything further being said or done, entered upon the execution of the duties of the offices, and continued to perform them until 1833:—Held, a sufficient and valid appointment to the office, and that by such service, the pauper gained a settlement in B.

Upon appeal against an order, by which Henry Smart and his wife were removed from the parish of Barming to the parish of Bobbing, the Sessions confirmed the order, subject to the opinion of this Court upon the following—

CASE.

The pauper, Henry Smart, being settled in Bobbing, went about Michaelmas 1797, to reside in the parish of Barming, and continued to reside there until he was removed by the present order.

In the year 1811, the offices of parish clerk and sexton of Barming became vacant, and the Rev. Mr. Noble, who was then rector of the parish, sent for the pauper on a Sunday in that year, and requested him to perform the duty of clerk for that day. The pauper did so, and Mr. Noble, on coming out of the desk, said to the pauper, "I shall appoint you my regular clerk and sexton, and to follow me in the marriages and funerals." The pauper, thereupon, without anything further being said or done, entered upon the execution of the duties of the said offices, and continued to perform all the duties, and to receive the emoluments of those offices from thence until 1833.

Soon after the pauper entered upon the offices as above mentioned, two of the principal inhabitants objected to what the rector had done, inasmuch as the pauper was not a settled parishioner of Barming;

but the rector said, "that the pauper was the fittest person he could find; and that he should, therefore, persist in what he had done."

There was a salary of 1s. per week attached to the offices, which had been paid by the parish to the person who had previously filled them, and which the pauper applied for at the end of the first year. The overseer, to whom he applied, at first refused to pay him the salary, assigning as a reason, that the pauper was not settled in the parish. Having threatened to take legal proceedings against the parish officers, the salary was paid to the pauper by the overseers, and was continued to be paid by the parish to him, for four or five years, without any objection on the part of the parish. At the end of that period, the pauper applied to the parish for an increase of salary, and the subject having been taken into consideration at a vestry meeting of the parishioners, it was at such vestry meeting agreed to raise the salary to 1s. 6d. per week, and at this rate the pauper was paid, during the remainder of the term he executed the offices.

David Pollock, in support of the order of Sessions.—The sole point in the case is, whether there was any sufficient and valid appointment of the pauper to the office of clerk and sexton. It is too late now to contend, that serving that office will not confer a settlement; and whether it be an annual or freehold office, is immaterial. Here, however, there was no sufficient appointment of the pauper to the office. There was merely an intimation by the rector that he should appoint him his regular clerk and sexton; and *The King v. Stogursy* (1) is an authority to shew, that where there is no sufficient appointment, the execution of the office *de facto* will not confer a settlement.

Bodkin (with whom was *Deedes*), having cited *Gatton v. Milwich* (2), was stopped by—

LORD DENMAN, C. J. — Whether the office be an annual or freehold office, if the pauper was properly appointed he gained a settlement. I am of opinion, that

there was sufficient evidence of such appointment.

With which the Court concurring—

Order quashed.

1836. { THE KING v. THE MINISTER
AND CHURCHWARDENS OF
STOKE DAMEREL.

Churchwardens—Mandamus to convene a Vestry.

If it be made to appear, that a considerable number of the parishioners are desirous of having a vestry called, and they are not enabled to call a vestry, from the refusal of the minister and churchwardens to aid them in doing so, the Court will grant a mandamus to the minister and churchwardens to convene a vestry.

But where the application was to convene a vestry to elect a sexton, the office being full by the appointment of the rector, the Court required, that there should be very strong evidence of the existence of a custom for the parishioners to elect to that office, before they would grant a mandamus to try the right; there being another remedy,—by action for money had and received, brought by a party wishing to dispute the title of the sexton against him, the fees having been paid under a protest; or by refusal to pay the fees, when the sexton would have his action against the party so refusing.

A rule had been obtained, calling on the minister and churchwardens of the parish of Stoke Damerel, in the county of Devon, to shew cause why a writ of mandamus should not issue, directed to them, commanding them to convene a vestry meeting within the parish for the purpose of electing a proper person to fill the office of sexton.

It appeared, that a person of the name of Garland, who had, for a number of years, filled the office of sexton, had lately died, when a contest arose as to whether the right of appointment to the office was in the rector, or whether it was in the parish at large. There were contradictory affidavits on this matter, on the one hand making it out clearly, that the appointment of Garland had been by the rector; and it did not appear, from the entries in the parish book from 1721, that any vestry had been

(1) 1 B. & Ad. 795; s. c. 9 Law J. Rep. M.C. 48.

(2) 2 Salk. 536.

convened for such a purpose. On the other hand it was alleged, that the appointment had been by the election of the parish at large, but not in strictness shewing the existence of any custom for the parish to elect the sexton. On the death of Garland, a person of the name of Symonds was appointed by the Rev. Mr. Milford (the officiating minister under a sequestration); and that appointment was subsequently ratified and confirmed by the rector.

Sir W. W. Follett and Crowder shewed cause.—They contended, that, in this case, the office being full, no mandamus would lie.

[LORD DENMAN, C.J.—Would *quo warranto* lie?]

It is difficult to say in what cases *quo warranto* will lie—*The King v. Ramsden* (1), *The King v. Beedle* (2); but, at any rate, in the present case there is another mode of trying the right to the office. In corporation cases, this Court have always refused to interfere by *mandamus*, where the office is full, although it has been shewn on the affidavits, that the election was void—*The King v. the Mayor of Colchester* (3). In an anonymous case, reported in *Strange*, 686, the Court refused a mandamus to churchwardens to call a vestry to elect churchwardens, saying they could not take notice who had a right to call a vestry (4).

[COLERIDGE, J.—Who has the power of convening a vestry?]

It would appear, that, by the ecclesiastical law, a vestry is to be convened by the churchwardens, with the consent of the minister—*Dave v. Williams* (5).

[LORD DENMAN, C.J. called on the other side to shew that the minister and churchwardens were the persons who should convene a vestry, and also to point out, on the affidavits, any fact which shewed the existence of a custom for the parish to elect to the office of sexton.]

[PATTERSON, J.—The office is full, and it is requisite that you should make out a very strong case of a custom for the parishioners to elect.]

(1) 3 Ad. & Ell. 456; s. c. 5 Law J. Rep. (N.S.) M.C. 65.

(2) 3 Ad. & Ell. 467.

(3) 2 Term Rep. 259.

(4) *The King v. the Churchwardens of St. Peter's, Thetford*, 5 Term Rep. 364; and *The King v. Coleridge*, 2 B. & Ald. 806, were also cited.

(5) 2 Add. Rep. 130.

Erle and *Wightman*, in support of the rule.—The inhabitants are extremely desirous of convening a vestry, but they are prevented from doing so by the interference of the churchwardens and minister. They are the only parties who can call a vestry; if they refuse to do so, there is no mode of doing it. In *The King v. St. Margaret's, Westminster* (6), a mandamus was granted to churchwardens to assemble a meeting, and that was quite in accordance with the opinion of Sir J. Nichol, in the case which has been cited.

[LORD DENMAN, C.J.—That was under the statute of 10 Anne, c. 11, and it seems to have been assumed, that the assembling of such a meeting by the churchwardens, was in pursuance of the directions of the statute.]

Sufficient ground has been laid to raise the presumption that the right to elect was in the parishioners; and, with regard to the remedy which has been suggested by an action for money had and received, it is in order to enable the parties to try the right in that way, that this application has been made. The party elected by the parish might then bring his action against Symonds for the fees of office.

[LORD DENMAN, C.J.—I should think any parishioner, who should pay the fees under a protest, might bring an action for money had and received.]

The payment in that case being made under a full knowledge of the facts, the action for money had and received would not lie; and, moreover, it may be years before any person, charged with fees by the present sexton, may be willing to resist the payment, and try the right, by bringing an action. It would be pushing the argument, as to there being another remedy, rather too far, where it must depend upon so remote a possibility, and that *quo warranto* will not lie, is perfectly clear—*The King v. Ramsden*, *The King v. Beedle*.

LORD DENMAN, C.J.—I think, that where it is made to appear that a considerable number of the parishioners are desirous of having a vestry called, and the minister and churchwardens refuse to afford them the means of convening such a meeting,

(6) 4 Mau & Selw. 200.

this Court would, under the circumstances, think it reasonable, by mandamus, to direct them to convene a vestry; and the question is, whether this is a case in which a mandamus ought to issue. At first it did not appear to me that there was any evidence, on the affidavits, of the existence of a custom for the parish to elect a sexton, but, on looking more closely into the affidavits, there does appear to be some ground for the supposition, that such a custom may exist; and the question is, whether, under the circumstances, a sufficient ground is stated, upon which we should be justified in making the rule absolute. It appears that the office is full, that it is full of a person appointed in the ordinary course by the rector, who, *primâ facie*, has the right to appoint. It appears to me, therefore, that unless a very strong case is made out, to shew that what has been done is absolutely void, we ought not to interfere by mandamus, if there is any other mode in which the right to the appointment may be tried. I think there is another remedy. If the fees of office are paid to the sexton under a protest, and the party paying them is unable to get the work performed without such payment, he may bring an action for money had and received against Symonds. We cannot presume that officers will hold their offices without regard to the emoluments of office, and that the present incumbent will perform the duties of the office without demanding the fees. There is, therefore, a better and more convenient remedy; and we ought not to give our supposed authority for a doubt as to the propriety of the appointment already made, by sanctioning this application.

PATTESON, J.—I am of the same opinion. The question comes to this, whether, the office being full, the Court will grant a mandamus, to try the right to make the appointment. I have not been able to lay my hands upon any case in which the Court have granted a mandamus where the office was full. But I am sure that there are instances of such applications having been made—*The King v. the Corporation of Bedford* (7). If the office be such that the right to it cannot be tried by *quo warranto*,

the mode of trying the right is by mandamus, where the Court are satisfied, upon the affidavits, that the election is void. But no such fact appears in the present case. The appointment of the party who now fills the office, is by one who ordinarily has the right to appoint. There is, however, on the affidavits, *primâ facie* evidence of Garland (who was the last sexton) having been appointed by the parishioners, and if there were no other mode of trying the right, it might be reasonable that the mandamus should issue. But there is another remedy: the person in possession of the office would demand his fees; and any one who thinks that he has usurped the office, might refuse to pay them, or pay them under protest, when an action might be brought to try the right.

WILLIAMS, J.—I am of the same opinion. There is another remedy, which I cannot consider a remote contingency or bare possibility. We must suppose that the sexton will try to get the fees of office. If the fee is paid, money had and received will lie, by the party paying, against the sexton, if he has no title to the office; or, if resistance is made by the party to paying the fee, an action will lie against him by the sexton, if well entitled to the office.

COLERIDGE, J.—I assume, in giving my opinion on this occasion, that a mandamus would lie for an office of this description, and that a *quo warranto* would not. But still I am of opinion, that a mandamus will not lie in this case. The office is full, and, *primâ facie*, by the appointment of one who has the right to appoint. I do not mean to say, that the affidavits do not bring that *primâ facie* right into dispute, but in my opinion, the balance is the other way; and I should require the balance to be very strong in favour of the assumed right of the parishioners against the *primâ facie* right of the rector, before I should accede to the issuing a mandamus where there was any other remedy. There is another remedy, and I cannot imagine but that an opportunity will very soon occur, of trying in that mode who has the right.

Rule discharged.

1836. } THE KING v. THE INHABITANTS
Nov. 21. } OF EASTRINGTON.

Highway—Indictment—Arrest of Judgment—Judgment non obstante veredicto.

Judgment non obstante veredicto is always upon the merits, and never granted but upon a very clear case.

Where to an indictment against a parish for not repairing a road, the defendant pleaded that there was a township within the parish, that the road lay within that township, and that, by immemorial custom, that township was bound to repair all roads which, but for the custom, would be repairable by the parish; but the plea omitted to aver that the road in question was one "which, but for the custom, the parish would be liable to repair;" and the jury, finding the existence of the custom, gave a verdict for the defendants:—Held, that the Court could not give judgment non obstante;—Held, however, that the want of the above averment in the plea, rendered it bad in arrest of judgment.

This was an indictment for not repairing a road, stating it to be within the parish of Eastington, and out of repair.

The plea alleged, that within the parish of Eastington, there now is, and from time whereof the memory of man is not to the contrary, there hath been, a certain township called the township of Eastington, wherein there now are and immemorially have been divers inhabitants, and that the said part of the highway, &c. now is, and at the time of the taking of the inquisition was, situate within the township aforesaid; that the inhabitants of the said township from time whereof, &c. have repaired and amended, and still of right ought to repair and amend all the common highways within the said township, that would be otherwise repairable by the inhabitants of the parish at large, and that the inhabitants of the parish at large have not, during all or any part of the time aforesaid, repaired and amended, and have not been used or accustomed to repair or amend, and of right ought not to repair and amend, the common highways within the said township, or any of them; and that, by reason of the premises, the inhabitants of the township ought to have repaired, &c. Issue traversing the custom.

NEW SERIES, VI.—MAG. CAS.

At the trial, at the York Spring Assizes, 1835, the jury found the existence of the custom, and a verdict passed for the defendants.

A rule had been obtained, calling on the defendants to shew cause why judgment should not be entered for the Crown *non obstante veredicto*, or why judgment should not be arrested; against this rule, cause was now shewn by—

Cresswell and Alexander.—With regard to entering judgment for the Crown *non obstante veredicto*, that cannot be done, unless the Court can see that, upon the whole record, the prosecutor is entitled to judgment. Such a judgment is always upon the merits, and never granted but in a very clear case. The finding of the jury is, that the parish is not liable, and that the township is; and the defendants completely exonerate themselves from their liability in their plea; but the prosecutor must shew that, whether the custom exists or not, the parish is liable to repair. The only objection made to the plea is, that it does not aver that this is a road which, but for the custom, would be repairable by the parish; and if it were not such a road, the parish is still liable. The plea in this case adopts the form of the plea in *The King v. Ecclesfield* (1), with the exception of the averment, that the road in question is one which, but for the custom, the parish would be liable to repair. But Lord Ellenborough in the abstract of the plea, in giving judgment, omits the averment, shewing that, in his opinion, that averment was not material; and in the form given in the note, 2 *W. Saund.* 159, c, there is no such averment.

[COLERIDGE, J.—Suppose this to have been a road which some one was bound to repair *ratione tenuræ*, it would then be a road not repairable by the parish. Should it not then have been made to appear upon the plea, that the present was not such a road, but one which, but for the custom, the parish would be liable to repair?]

If it is meant to be said, that notwithstanding the custom, as far as appears upon the plea, other persons than the township might be liable, let us suppose that the prosecutor had replied, that A B was liable *ratione tenuræ*, and that issue was found for

(1) 1 B. & Ald. 348.

him; could there be judgment against the parish? If not, how can the Court give judgment against the parish, on the supposition of a state of things, which, if it had appeared upon the record, would not entitle the prosecutor to judgment?

[COLERIDGE, J.—That is not precisely the same case; for, supposing the parish not bound in fact, yet, as they had not pleaded it, and shewn by their plea who was bound, the Crown would be entitled to judgment.]

The omission of the averment is a mere matter of form, and not of substance; and the plea amounts to this: wherever you could have indicted the parish at common law, that indictment by custom lies against the township. The plea does in substance state, that this is one of the roads which the township is liable to repair, and not the parish. The indictment states it to be a road within the parish. The terms of the plea are, that the part of the highway in the indictment specified, and alleged to be out of repair, is within the township, and that the inhabitants of the township had been accustomed to repair all highways within the township, and that, by reason of the premises, the township ought to repair the road in question.

Starkie, contra.—If the authorities be looked at, and the principles upon which those authorities are founded, the present plea will be found to be bad, and one upon which no judgment can be given. There is no legal position clearer than this, that it is not sufficient for a parish to deny their own liability to repair; but they must in point of law be liable, unless they shew clearly and distinctly that some one else is liable.

[LORD DENMAN, C.J.—I do not apprehend that there is the least doubt that a parish cannot discharge themselves from their liability to repair, without shewing who is liable. Your objection to this indictment arises from the want of an averment, that this is one of the roads which, but for the custom, the parish would be liable to repair, but Mr. Cresswell has in some respect answered that objection.]

No inference can be drawn from the allegation in the indictment, that this is a road within the parish of Eastington, and out of repair, that it is a road which, but

for the custom in the plea alleged, would be repairable by the parish; although in the parish, it might be repairable by some one else than the parish. If a road is out of repair, a party has a right to look to the parish, and he must of necessity allege in the indictment that the road is situate within it. Suppose an indictment alleging, as it must, that the road out of repair is in the parish, and a plea to be on the record stating that there were two townships within the parish, each of which was liable by custom to repair the roads in their respective townships, without averring in which township the road was: if that custom were found, it would be a clear discharge of the parish; but as the plea would not shew on whom the duty of repairing the road lay, the plea would be bad in arrest of judgment.

[LORD DENMAN, C.J.—We understand you not to pray for judgment *non obstante veredicto*, but, to arrest the judgment.]

[PATTERSON, J.—It is quite clear that judgment cannot be entered *non obstante veredicto*, unless it appear distinctly upon the whole record, that the prosecutor is entitled to judgment.]

LORD DENMAN, C.J.—It seems to me quite clear that the first part of the rule cannot be granted. I was struck at the time with Mr. Cresswell's answer to the objection in arrest of judgment; but the reply to it, that the party has a right in the first instance to go to the parish, and that he cannot do so without making the allegation in the indictment on which Mr. Cresswell relied, has satisfied me, that, in arrest of judgment, this rule must be made absolute.

Rule absolute, in arrest of judgment.

1836. } THE KING v. THE INHABITANTS
November. } OF CROSTHWAITHE.

Highway — Indictment — Parish Liability.

Indictment of a parish for non-repair of a highway; plea, that the parish was divided into townships, in two of which existed a custom for the township to repair all the highways within it, which, but for the custom,

would be repairable by the parish. Replication traversing the custom. Proof that the parish had no surveyor of the highways; that the townships had: that repairs had been done of the highways within the township, under the direction of the township surveyor; but on cross-examination it appeared, that the particular road had been repaired by a third district, Newlands:—Held, that it ought to have been left to the jury to say, what was the character of the repairs done by Newlands, whether for the parish or for the township.

Indictment against the parish for the non-repair of a highway.

Plea—alleging that the parish was divided into several townships, of which two are Braithwaite and Coledale: that there has existed an immemorial custom for the several townships of Braithwaite and Coledale to repair all highways within their respective districts, which, but for the custom, would have been repairable by the parish: that part of the road indicted lay in the township of Braithwaite, and part in the parish of Coledale, and each part had been respectively repaired by those respective townships time out of mind.

Replication, traversing the custom.

At the trial, before Alderson, B., at the Cumberland Spring Assizes, 1855, evidence was given of repairs done on the road in the township of Coledale, by the inhabitants of Newlands. It appeared also, that there were separate surveyors of the highways for each township, and no surveyor for the whole parish.

A verdict was found for the defendants, the learned Judge directing the jury, that, to find for the Crown, it ought to appear that the road was repaired by the parish. A rule had been obtained, calling on the defendants to shew cause why that verdict should not be set aside, and a verdict entered for the Crown; against which, cause was now shewn by—

Armstrong and Wightman.—In *The King v. St. Giles, Cambridge* (1), it was held, that a plea attempting to throw the burden of repair from off the parish, must shew a consideration for others doing the repairs; either the

existence of a custom, or a liability *ratione tenuræ*. This decision was confirmed by *The King v. Bishop's Auckland* (2); and the only question is, whether, in proof of the general custom alleged in this plea, the defendants were bound to prove that the particular road had immemorially been repaired by Coledale. The fact of the particular road having been repaired by Newlands, would not at all derogate from the custom for the two districts of Braithwaite and Coledale to repair all roads which, but for the existence of the general custom, would have been repairable by the parish. It was necessary to have gone farther, and have shewn some consideration for Newlands' liability to repair. The mere fact of having repaired, may have been a matter of convention between the two districts; but it does not absolve the district of Coledale from the liability created by the general custom—*The King v. the Mayor of Liverpool* (3).

Cresswell and W. H. Watson, contra.—It was not necessary, to support this verdict, to have shewn, that the repairs had been done by the parish on this road. By the common law, the parish at large is liable, and in order to discharge themselves from that liability, they must shew a liability in others to make those repairs. The indictment is against the parish for the non-repair of a road lying in Coledale; but it is said, that the parish is divided into several districts, in two of which exists a custom for each respectively to repair all the highways lying within each respective district, which, but for the existence of the custom, would be repairable by the parish. Such a custom cannot be extended beyond the usage proved; and suppose they had proved that all the roads on which repairs had been done within that district, had been repaired by Coledale, the custom would have been proved; but, here, the case is, that Newlands, a third township, had always repaired the road in question. Could Coledale ever be charged on such evidence? and could any judgment be given except against the parish? It is said, that these repairs might have been made under

(1) 5 Mau. & Selw. 260.

(2) 1 Ad. & El. 744.

(3) 3 East, 86.

some arrangement between Coledale and Newlands; but no evidence was given of any such arrangement. Newlands may have repaired, yet, if there was no consideration for Newlands having repaired, the liability would still remain on the parish—*The King v. St. Giles, Cambridge*.

[COLERIDGE, J.—If a township be proved to have repaired three roads out of four, and that fourth be proved to have been repaired by another district, would not that be evidence for the jury, from which they might assume the existence of the general custom?]

It is contended that it would not.

[COLERIDGE, J.—Was there anything left to the jury as to the character of the repairs done by Newlands? For whom were the repairs done? If for Coledale, then the custom would have been proved.]

LORD DENMAN, C.J.—This is an indictment against the parish, for non-repair of a highway. It is a common principle of law, that the parish is liable, unless it discharges itself from that liability, by shewing liability to exist elsewhere. The parish in this case, has done that: upon the pleadings, it states, that the parish is divided into several townships, in two of which exists a custom for each respective township to repair all highways within it, which, but for the existence of the custom, would be repairable by the parish. Proof is given of the appointment of township surveyors and no parish surveyor, and of the repairs being done under their direction; but on cross-examination it appears, that the particular road has never been repaired by Coledale, the township in which it is situate; but that it has been repaired under the direction of the surveyor of Newlands, a third district. It is said, that, upon this evidence, the plea was supported by shewing, that it was a road that was within the township of Coledale, and that Coledale repaired all other roads within it. But it is not open to the parish to make that qualification, and to rely upon this new state of things. The rule obtained in this case is for entering a verdict for the Crown, otherwise that the verdict for the defendants should stand; but that does not appear, under the circumstances, to be the proper

course to be taken in this case, as there was very strong evidence of the existence of the custom in this case. The fact of these repairs having been done by Newlands, ought to have been submitted to the jury, for them to have determined, whether the repairs were done by that district in respect of its own liability, or as a substitute for Coledale.

PATTESON, J.—To decide this question, it is necessary that we should look at the pleadings. The plea states, that the parish was divided into several distinct townships, of which the township of Braithwaite was one, and the township of Coledale another, and that in this parish a custom had immemorially existed for these townships to repair the highways within them respectively, which, but for the existence of the custom, would have been repairable by the parish. It then goes on to state, that the road out of repair was partly in the township of Braithwaite, and partly in Coledale, and that each of those townships had repaired the respective portions situated in those townships. The replication takes issue upon the custom; and the question is, which of the two is liable to repair—the parish, or the particular district in which a portion of the road is situate; and it is not competent, upon that issue, to shew that a third party is liable. But upon that the learned Judge, before whom this case was tried, seems to have said, that the evidence shewed that this was a road which, but for the custom, the parish would be liable to repair, and told the jury, that if repairs were not shewn to have been done by the parish, the parish were entitled to a verdict. If the learned Judge so directed the jury, he was, in my opinion, wrong. It seems to me to have been the same thing as if no repairs upon this road had been proved to have been done. The repairs were done by a third parish; and there being that evidence, it might be also referable to some agreement between Newlands and Coledale, although no evidence was given of the existence of any such arrangement; but still it was a question for the jury to account for the repairs being done by Newlands. I do not see how, under these circumstances, we can

let the verdict be entered for the Crown; but the rule must be absolute for a new trial.

WILLIAMS, J.—It appears to me clear, that no satisfactory conclusion of this case can be arrived at without sending it down for a new trial. It is indispensably necessary for the jury to consider, in what respect, why, and wherefore, Newlands did these repairs, which it was proved were done by Newlands. The rule, therefore, should be absolute for a new trial, and not to enter a verdict for the Crown.

COLERIDGE, J.—I have never thought that this verdict could stand; and to enter a verdict for the Crown upon the facts, is impossible. There was very strong evidence of the existence of a custom for the townships to repair the highways within them. It was in evidence, that there was no parish surveyor of the highways; that each of the townships had a surveyor; and evidence was given of the repair of the roads by the district surveyors. Then, on cross-examination, it appeared, that one district, Newlands, had always repaired this particular portion of the road in Coledale; and it was said, that the effect of that evidence was to destroy the whole weight of the evidence of proof of custom. It was not shewn that it was in respect of any liability that Newlands repaired. It might have been in respect of the liability of the parish to repair, or of Coledale, and have been done for either. That question ought to have been submitted to the jury.

Rule absolute.

1836. { THE KING v. THE INHABITANTS
Nov. 22. { OF CUMBERWORTH AND CUMBERWORTH HALF.

Highway—Turnpike Act—Liability of Parish to repair unfinished Road.

Where trustees are authorized, under an act of parliament, to make a line of road, consisting of a main line and several branches, it is necessary that the whole undertaking, main line and branches, should be complete

before the parish can be subject to a liability to repair.

This was an indictment for non-repair of a road.

Plea—Not guilty.

At the trial, before Parke, B., at the Spring Assizes, 1835, for the county of York, it appeared that the road in question was made under 6 Geo. 4. c. xxxviii, for making and maintaining a turnpike road from Wakefield to join the Shepley Lane Head turnpike road in Denby Dale in the parish of Penistone, with certain branches, all in the West Riding of the county of York.

The preamble of the act recited, that "the making and maintaining of a turnpike road from a certain street, called Market Street, &c. and a certain branch or diversion from and out of the said road, commencing in the township of Crigglestone, &c., and also another branch or diversion from and out of the said road, commencing in or near a certain close, called Pikely, &c., would be a great advantage and accommodation to the inhabitants of the manufacturing towns and places in the neighbourhood and to the public at large; and trustees were empowered to build bridges, and, by the 1st section of the act, it was enacted, that "the said roads and bridges should be called the Wakefield and Denby Dale Turnpike Road." The trustees had completed the road from Wakefield to Shepley Lane Head in Denby Dale, but the branch road from Pikely had not been made. His Lordship thought, that if it was intended by the decision in *The King v. Cumberworth* (1) that all that was required by the statute should be completed as a condition precedent to the right to charge the parish with the liability to repair, he could not accede to the proposition; but he thought, that, if the particular road indicted was complete from one terminus to another, that that was sufficient, and the parish were liable to repair. He accordingly directed a verdict for the Crown, reserving leave to the defendants to move to enter a verdict of not guilty.

(1) 3 B. & Ad. 108; a. c. 1 Law J. Rep. (N.S.) M.C. 86.

A rule had accordingly been obtained, pursuant to the leave reserved; against which, cause was now shewn by—

Cresswell and J. L. Adolphus.—The case of *The King v. Cumberworth*, decided by this Court in 1832, is a very different case from the present. The part not completed at that time was part of the main road, whereas the present question arises from the branch road not being complete. That case was upon the very act of parliament now in question, and, although the branches were then incomplete, no reference is made, either in argument or by the Court, to that fact; and all that was decided by that case was, that, if the trustees of a turnpike road are to make a line of road from A. to B, none of the parishes in the intervening space between the two termini can be subjected to a liability to repair, unless the whole line is completed: to that extent, it must be admitted, the case does go. The only other case which has been decided upon this point is *The King v. Edge Lane* (2), but that cannot be considered as carrying the decision further, and is rather an authority, negatively, to the contrary; because, although the branches were incomplete, and that was urged in argument, yet the Court, in their judgment, confined themselves to the fact of the main road being incomplete. There is also a case of *The King v. the Justices of the West Riding of Yorkshire* (3), (case of the Leeds and Whitehall Roads,) where the Court expressed an opinion, that where, under an act of parliament, a main line of road and branches are to be made, *The King v. Cumberworth* will not apply.

[COLERIDGE, J. — Your argument is, that if the main line is complete, however many branches there may be, which are not complete, that is to be considered as a complete road, subjecting the parishes through which it runs to a liability to repair?]

This is an act of parliament for making several lines of road, each pointed out in the act by several distinct termini.

[COLERIDGE, J.—Would not your argument come to this, that each of the branches

would be a complete road as it was finished, whether the main line of road were complete or not?]

They are distinct roads from the main road, and perhaps would only be considered as complete with reference to the main road. In the conclusion of the 1st section it is said, that "the said roads and bridges shall be called the Wakefield and Denby Dale Turnpike Road." That is a description of the trust, but not a local description of that to which the trust is to apply. The word "roads" is used throughout the act. How would it be possible to describe this as one road, in an indictment for not repairing? It would be impossible to state only two termini. Each road between the several termini mentioned in the act becomes, when completed, a parliamentary road, and, if one parliamentary road is finished, the inhabitants of the several parishes through which it runs are liable to repair. Great stress was laid by Lord Tenterden, in his judgment in *The King v. Cumberworth*, on an argument, that, if the trustees were not bound to make the whole, the burden of repairing a portion of road might be thrown on the parish, though that portion might be of no use to the public. If a road is not of use to the public, the public will not use it. The test, whether a road is a public road, so as to cast the obligation to repair on the parish, is, whether the public have a right to use it; and it is not easy to understand why, where the public have used a road, and shewn by that use that it is of public use, they should be deprived of the right because a portion only of the roads, which are made under an act of parliament, was not finished by the trustees. It would be a great hardship if individuals were to be subject to an action of trespass for using a road which had been for years used as a public road, merely because the trustees had not completed all that by the act was required of them.

[COLERIDGE, J.—Who is to make the dedication and give the right to the public in such a case? When the trustees have completed the roads, the public might have a right by the act of parliament.]

The dedication to the public could not be referred to the act of parliament, but

(2) 6 Nev. & M. 81; a.c. 5 Law J. Rep. (N.S.) M.C. 91.

(3) 5 B. & Ad. 1003; a.c. 3 Law J. Rep. (N.S.) M.C. 54.

to a user for a certain number of years; and Hullock, B. seems to have taken this view of the subject in *The King v. Hepworth* (4).

[COLERIDGE, J.—If you refer the dedication to the act of parliament, then, the act of parliament not having been complied with, there is no dedication. If you put it upon user, then there has been no adoption.]

The argument on the other side must proceed on this;—the trustees have made a bargain with the public, and, as a condition precedent to their subjecting the public to a liability to repair, they must have done everything which is required to be done by the act of parliament; and in *The King v. Edge Lane*, the observation of Lord Eldon in *Blakemore v. Glamorganshire Canal Company* (5) was impressed on the Court in a way which the decision in that case hardly warranted. That was an application for an injunction to restrain a company from taking away water. The trustees of a turnpike road are not in the nature of a private company.

[LORD DENMAN, C. J.—No; but they are acting under certain conditions. It is only to that extent that the principle was adopted in *The King v. Cumberworth*.]

The interest of trustees under a public turnpike act and that of a canal company is totally distinct. Then it is said that there is an undertaking on the part of the trustees. Of what does that consist? There is nothing in the act to shew an express undertaking. What, then, is the implied undertaking? In cases where an implied assumpsit arises in point of law, there is a direct reciprocity between the person by whom the duty is to be performed and him for whose benefit it is to enure; and, if reference is made to the judgment of the learned Judges in the case of *The King v. Cumberworth*, they do not seem to have contemplated anything more than what arises from such a reciprocity. Some stress may be laid by the other side on the preamble of the act, reciting, that "the roads and branches would be a great advantage and accommodation to the in-

habitants of the manufacturing towns and places in the neighbourhood and to the public at large." That recital is to be taken distributively. The completion of one portion may be beneficial to one part of the public, without reference to what may be beneficial to another part of the public; and the duty of the trustees must be correlative to the obligation sought to be thrown on the parish. There would be great inconvenience in applying the doctrine contended for on the other side to acts of parliament creating a commercial trust, such as the London Dock Act, under which the company have power to make several roads to the London Dock, communicating with various parts of the town and country.

J. B. Greenwood, contra.—The requisitions of the act of parliament not having been complied with, the inhabitants of the parishes through which the road that is complete runs are not liable. From the preamble it was clearly the intention of the legislature to make in fact but one line of road; and this, being a private act, is to be construed more strictly as against the parties obtaining, and in favour of those whose interests are affected by its enactments. The language of Lord Eldon, in *Blakemore v. the Glamorganshire Canal Company*, is decisive in favour of such a construction, and shews that all conditions must be performed by those who act under the provisions of such an act of parliament. There is another very strong argument in this case for the necessity of the whole line and branches being completed before it can be considered as a public road. The section which relates to the erection of turnpike gates contains a proviso, that no more than three full tolls shall be taken for the whole line of road: so that, if the branches are not completed, the public are defrauded, and are made to pay three full tolls for only a portion of that which they are entitled to use on payment of those tolls. *The King v. the Justices of the West Riding* is distinguishable from *The King v. Cumberworth* and *The King v. Edge Lane*. In that act was contained a clause, that the said new roads should not be respectively opened to the public or become public roads until two Justices should have certified that the said

(4) Cited in *The King v. Cumberworth*, 3 B. & Ad. 110.

(5) 1 Myl. & K. 162.

roads respectively were completely made. No such words are to be found in this act of parliament. This is one main undertaking, which has not been completed. Had the act contained a clause similar to the one in the act relating to the Whitehall roads, it might be that the main road, and the branches, were to be taken distributively; but there is nothing in the act to shew that that was the intention. The fact of the branch road being completed, and giving free access to the main road, may have been the only reason why those living at the end of the Pikely branch did not oppose the bill when taken before parliament.

LORD DENMAN, C. J.—It seems to me that we ought to adhere to the authority of *The King v. Cumberworth* and *The King v. Edge Lane*; and though a distinction may be drawn between the completion of the main line and that of the branches, yet, I think, we should introduce the greatest inconvenience, were we to allow that distinction to prevail. I think we are bound to say, that the whole undertaking must be completed before any portion of it can be considered as a public road, subjecting the parish to the liability to repair. In this particular case it appears, that the whole of the main line is completed. So, in *The King v. Cumberworth*, before decided, a road, the termini of which are mentioned in the act, was completed; but here, it appears that one of the branch roads, the completion of which may be more important to some of the inhabitants of that district, and the completion of which, when connected with the main road, may have been a reason for not opposing the bill when before parliament, remains unfinished. The making of that particular branch may have been a reason for giving the trustees the powers under the act.

PATTERSON, J.—I entirely agree. I am afraid of the distinction which it has been attempted to establish in this case. The act of parliament must be considered as a bargain made with the public, and unless the trustees make all the roads, which, under the act, they are bound to make, they have not completed their bargain.

WILLIAMS, J.—I am of the same opinion. I prefer acting upon the principle of the two cases, which have already been decided, to admitting nice distinctions; and, I think, the completion of the principal line, with all its branches, constituted a condition precedent to the liability of the parishes to repair the roads. It is impossible to say for what reasons, or on what grounds, the parties, through whose lands the different roads were to run, did not oppose the passing of the act. It may have been that the convenience arising from the making of the branch roads, as connected with the main road, operated upon their minds on that occasion.

COLERIDGE, J.—I am of the same opinion. The principle on which *The King v. Cumberworth* and *The King v. Edge Lane* were decided, that these acts of parliament are to be taken as an agreement between the trustees and the public, appears to me sound and irrefragable. When I came to ask myself, what right had the trustees to make the roads, and to take the lands of private parties for the purpose? I could not bear myself out in any other conclusion, than that they had that right only by the consent of the owners over which the roads passed. The trustees, on the one side, and the legislature on the other, on behalf not only of those on the main line of road, but also on behalf of those having lands in the branches, entered into a bargain, enabling the trustees to take the land upon certain conditions and for certain purposes. The making of the branches may have been the consideration for giving them the power to make the main line of road, and, on that consideration, those who were owners of land in the main line may have assented to the passing of the act, on account of the benefit to be derived to their property from the easy access to it from different parts by reason of the branches. The trustees must, on their part, do all that they have undertaken to do before the burden of repairing these roads can be thrown upon the public.

Rule absolute for entering a verdict for the defendants.

1836. { THE KING v. THE TRUSTEES OF
November. { THE GREAT DOVOR STREET
ROAD.

*Poor-rate—General Turnpike Act, 3
Geo. 4. c. 126—Exemption.*

The exemption in the 51st section of the General Turnpike Act, of tolls taken at any gate erected by the trustees or commissioners of a turnpike road from the poor-rate, applies to all turnpike roads, whether the trustees are interested as shareholders, or merely trustees of a turnpike road for the public benefit.

On appeal against a rate made for the relief of the poor of the parish of St. Mary Newington, in the county of Surrey, in which the trustees were rated for land on which they had made a road, and in respect of which they received tolls, the Sessions confirmed the rate, subject to the opinion of this Court, upon a

CASE,

which set forth, that by 49 Geo. 3. c. 186, intituled, 'An act for making and maintaining a road from the borough of Southwark to the Kent Road, in the county of Surrey,' certain persons therein named were appointed trustees to execute the same, and were empowered to receive certain specified tolls, and were directed to apply the monies received under the act towards the payment of the interest of a sum of money advanced by shareholders or subscribers for the purpose of carrying the act into execution, (which interest was limited to 12*l.* per cent. per annum,) to the putting of the act into execution, and to the repayment of the principal sum so advanced; and powers were given to the trustees to purchase and obtain conveyances of houses, lands, and grounds, for the purpose of making the road, it being declared that such conveyances should immediately vest such houses, lands, and grounds in the trustees. The case then stated, that the 10 Geo. 4. c. 113, after reciting the expenditure of the capital subscribed, and that the tolls received had been insufficient to pay off that capital, or a greater average rate of interest than 3*l.* per cent. to the subscribers, continued the

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term granted by 49 Geo. 3. for thirty-one years, and appointed certain persons, therein named, some of whom were the trustees in office under the former act, and their successors, being duly qualified and elected as thereafter mentioned, to be trustees for putting the act into execution; it being declared amongst other qualifications, that no person should be capable of being elected or of acting as a trustee in the execution of the act, unless, at the time of acting, in his own right, or in right of his wife, he should be possessed of or entitled to five shares at the least in the capital stock raised for making the said road, and in the actual receipt of the interest and dividends thereof. The trustees were also authorized to take tolls at all toll-gates, bars, and turnpikes, or toll-houses, then or thereafter to be erected in, upon, or across the said road, for horses, cattle, or carriages passing through the same; and the Justices of the Peace, at the Easter Quarter Sessions, for the county of Surrey, were authorized to audit the accounts, and to order the tolls to cease, if it appeared that the purposes of the act had been carried into effect. And it was further provided, that the tolls and monies should be first applied towards paying the expenses of obtaining the act, in continuing, erecting, supporting, and lighting the toll-gates, bars, turnpikes, toll-houses, and direction posts, and in paying the salaries of clerks, collectors, and other officers, and that out of the surplus, 5*l.* per cent. interest should be paid to the subscribers, and the residue, when it amounted to the sum of 500*l.*, should be applied to pay off part of the sum subscribed, the trustees being directed to decide by lot, at their next meeting, to which of the subscribers the shares to be paid off should belong; and it was declared, that so soon as the sum subscribed should be paid off, the tolls should cease, and the toll-gates, &c. be taken down.

The case then proceeded to state, that the trustees under 49 Geo. 3. obtained conveyance of buildings and land along the intended line of road, completed the road called Great Dovor Street, and erected toll-bars and gates across the same, and that they and the present trustees had appointed toll-collectors, and received tolls

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at the said gates: that the total number of shares subscribed for, was 492, of which number, 259 were held by the trustees: that the capital subscribed had never been paid off; and that a large sum was due to the shareholders for arrears or deficiency of interest calculated at the rate of 5*l.* per cent. per annum.

The appellants resisted the rate on the following grounds:—first, that they were not liable to be rated at all, not being the beneficial occupiers of any property within the parish. Secondly, that they were expressly exempted from liability to be rated, by virtue of the General Turnpike Act, 3 Geo. 4. c. 126, and particularly by the 4th and 51st (1) sections of the same act, and by the amended General Turnpike Act, 4 Geo. 4. c. 95, and particularly by sect. 31 of the last-mentioned act (2). Thirdly, that if liable to be rated at all, they were only liable to be rated in respect of the average annual amount of the interest paid to, or retained by them, in respect of their own shares. The rate was to be quashed if the Court were of opinion that the trustees were not liable to be rated at all; to

be confirmed, if the Court were of opinion that they were liable to be rated on the average annual amount of the balance received by them, after deducting the expenses stated in the case; and to be reduced to the sum of 838*l.* 10*s.* 3*d.*, if the Court were of opinion that the trustees were liable to be rated on the average annual amount of interest paid or retained by themselves upon their own shares.

Thesiger and *Montagu Chambers*, in support of the order of Sessions, went fully into the argument upon the first point, contending that the trustees were beneficial occupiers, as the land upon which the road was made was vested in them by the act 49 Geo. 3, and the tolls, as appeared from sections 19, 22, and 30 of 10 Geo. 4, were received for passing "along or upon," and for the use of the road. They cited *The King v. Barnes* (3), and distinguished *The King v. the Commissioners of Salter's Load Sluice* (4), *The King v. the Liverpool Dock Company* (5), and *The King v. the Trustees of the River Weaver Navigation* (6), as, in those cases, the tolls were applicable only to public purposes. If any private benefit or profit, however small, was derived from the tolls, the trustees were rateable—*The King v. Terrott* (7), and *The King v. Munday* (8); and, although in the particular year, all the profits might be absorbed in repairs; that would not prevent a party being liable to be rated—*The King v. the Hull Dock Company* (9), and *The King v. the Tees Navigation Company* (10).

Upon the second point, they contended that the exemption in the General Turnpike Act could not be applied to the tolls received by the trustees under the local act, 10 Geo. 4. It does not necessarily follow, that because these trustees have made a road, over which they have erected a turnpike-gate, that this is a turnpike road, and that they are trustees thereof, within the meaning of the General Turn-

(1) By section 4, after reciting that it is of great importance that one uniform system should be adhered to in the laws for regulating the management and maintenance of turnpike-roads throughout the kingdom, it is enacted, "That from and after the 1st of January 1823, all the enactments, provisions, matters, and things in this act contained, shall extend, and be deemed, construed, and taken to extend to all acts of parliament now in force, and to all acts which shall hereafter be passed for making, widening, turning, amending, repairing, or maintaining any turnpike road or roads in that part of Great Britain called England, save and except where any other commencement is particularly directed by this act, and as to such enactments, provisions, matters, and things as shall be expressly referred to, varied, altered, or repealed by any such act or acts as shall be hereafter passed."

Sec. 51 enacts, "That no collector or person renting such tolls as aforesaid, and no apprentice or servant of any such collector or person, shall thereby gain a settlement in any parish or place whatsoever; and that no tolls to be taken at any gate erected or to be erected by the trustees or commissioners of any turnpike-road, nor toll-house erected or to be erected for the purpose of collecting the same, nor any person in respect of such tolls or toll-house, shall be rated or assessed towards the payment of any poor-rates, or any public or parochial levy whatsoever."

(2) This section is similar to sec. 51 of 3 Geo. 4. c. 126.

(3) 1 B. & Ad. 113; s. c. 8 Law J. Rep. M.C. 115.

(4) 4 Term Rep. 730.

(5) 7 B. & C. 61; s. c. 5 Law J. Rep. M.C. 145.

(6) 7 B. & C. 70; s. c. 5 Law J. Rep. M.C. 102.

(7) 3 East, 506.

(8) 1 East, 584.

(9) 5 Mau. & Selw. 394.

(10) 5 Law J. Rep. (n.s.) M.C. 31.

pike Acts; for if so, according to sec. 4. of the General Turnpike Act, 3 Geo. 4. c. 126, "all the enactments, provisions, matters, and things" in that act, will extend to the local act, to the trustees, and to the road; the consequence of which will be to alter the qualifications of the trustees, to expose them to penalties for proceeding in conformity with their own act, to introduce a new class of trustees, and considerably to enlarge their powers. Thus, sections 62 and 63 of 3 Geo. 4. c. 126. require that a trustee shall have a certain qualification as to land and personal property, and that he shall take an oath therein prescribed; sec. 64, that he shall be incapable of acting where personally interested; and sec. 65, that he shall not, directly or indirectly, receive any money out of the tolls during the time he shall be acting as a trustee, that section imposing a penalty of 100*l.*, and incapacitating him from ever again acting after conviction for such offence. By sec. 61, every Justice of the Peace of the county through which the road passes, will be entitled to be joined to the trustees, and will have the same powers and authorities as if he had been named or elected a trustee under the local act by which the road was made or maintained; and by sec. 83, and subsequent clauses, the trustees will be enabled to make, divert, shorten, vary, alter, and improve the line of road, and to compel the owners to part with lands and tenements required for such purpose. These enactments and penalties are clearly inconsistent with the provisions of the local act; and, therefore, the Turnpike Act, being prior in date, must give way, or the term "trustees," used therein, must be construed in a limited sense, and with reference to a turnpike road made for the public benefit alone, and not to turnpike trusts, in which the trustees were undertakers, having a beneficial interest.

[PATTESON, J.—That argument would almost go to render the 51st section unnecessary, for if it is only to apply to trustees or commissioners not in the beneficial occupation, they would not be liable to be rated.]

[COLERIDGE, J.—By the General Turnpike Act, a trustee, who is a mortgagee or the lender of money, is not disqualified.]

Such a proviso is introduced into the 64th section, but it is omitted in the 65th, which precludes a trustee from receiving any sum of money out of the tolls for his own benefit.

Upon the third point, they contended that the trustees were the proper persons to be rated for the interest or profits of all the shareholders, to which they cited *The King v. Agar* (11), *The King v. the Mayor, Aldermen, and Burgesses of Sudbury* (12), and *The King v. the Trustees for the Burgesses of Tenkesbury* (13).

David Pollock, (with whom were Barnewall and Channell,) was stopped by the Court.

LORD DENMAN, C.J.—This is a case which has been very ingeniously argued, but there cannot be a doubt that this is a turnpike road. There cannot be a turnpike road throughout the kingdom, if this is not one. If so, there is an express enactment, that no toll to be taken at any gate erected by the trustees of any turnpike road, shall be rated or assessed. If any inconvenience should be the result, we could not take into consideration that inconvenience; but where an inconvenience does exist, it is for other powers to apply a remedy.

PATTESON, J.—I am of the same opinion. The whole of the question is, whether this is a turnpike road or not. There can be no doubt that it is.

WILLIAMS, J.—I am of the same opinion.

COLERIDGE, J.—I am quite of the same opinion. A great part of the argument has rested upon the supposed difference between the trustees under the General Act, and those under the 10 Geo. 4. But under the General Act, the mortgagee of tolls may bring ejectment and take the tolls, and there is nothing to prevent a trustee from becoming mortgagee. Yet, could it be contended that that would take the case out of the operation of the 51st section of the act?

Order quashed.

(11) 14 East, 256.

(12) 1 B. & C. 389.

(13) 13 East, 155.

IN THE EXCHEQUER OF PLEAS.

1837. } HENDERSON AND OTHERS v.
Jan. 20. } SHERBORNE (1).

Overseer—Liability.

The supply of a single article to one pauper by an assistant overseer for his own profit, does not render him liable to the penalty imposed by the 55 Geo. 3. c. 137. s. 6.

Debt for a penalty.

The declaration alleged, that the defendant, after the 14th of August 1834, to wit, on the 2nd of October 1835, was an assistant overseer of the hamlet of Oldland in the parish of Bitton, in Gloucestershire; and being such assistant overseer, did, during the time he retained such appointment, in his own name furnish and supply for his own profit certain goods, to wit, one coat, for the support and maintenance of the poor of and in the said hamlet for which the defendant was appointed such assistant overseer, not having received any certificate from any Justice of the Peace permitting and suffering him so to do, *contra formam statuti*, whereby the defendant forfeited a penalty of 100*l.*

The defendant pleaded that he never was indebted.

The cause came on for trial at the last Gloucestershire Assizes, before Littledale, J., when the facts appeared to be simply these:—that the defendant was the assistant overseer of the parish of Bitton, and the vestry having made an order that a coat should be given to one of the parish paupers, the defendant supplied it, and charged it afterwards to the parish, and was allowed for it in his accounts. It was objected, that this was not an offence within the 55 Geo. 3. c. 137. on which the action was founded; and *Proctor v. Mainwaring* (2) was cited. The learned Judge was of that opinion, and nonsuited the plaintiffs. In last term—

Ludlow, Serj. obtained a rule to set that verdict aside; against which, cause was shewn this day by—

Talfourd Serj. and *R. V. Richards.*—The point in this case has been decided in *Proc-*

tor v. Mainwaring, where it was determined, that the supply of articles by a parish officer to a single pauper was not within the prohibition contained in the 55 Geo. 3. c. 137. s. 6. It is said, that *Pope v. Backhouse* (3), where it was held, that a churchwarden who supplied some of the poor of the parish with corn and flour had incurred the penalty, is inconsistent with this decision. But it is not necessarily so; the report does not state what was the nature of the supply, nor what number of paupers were supplied. In the 4 & 5 Will. 4. c. 72. s. 77, the legislature, who, as it appears from s. 51, had the full recollection of this penal statute, have enacted—"That if any parish officer shall supply any relief for his own profit to any poor person in the parish, he shall be subject to a penalty of 5*l.* recoverable on summary conviction." This shews that the legislature considered that a correct construction had been put on the 55 Geo. 3. c. 137.

Ludlow, Serj.—There is no difference between a general supply of goods to the whole body of the poor of the parish and a supply to a single pauper. The mischief is the same, though differing in extent, and each case was intended to be restrained. The case of *Pope v. Backhouse* does apply to this point, for there it was held, that the supply to some of the poor was prohibited. Now, if some of the poor may not be supplied, where can the line be drawn between a portion of the poor and a single pauper? This case was not brought to the attention of the Court of King's Bench in *Proctor v. Mainwaring*. As to the provision contained in the 4 & 5 Will. 4. c. 72. s. 77, that can make no difference, since it has been held, that a guardian of the poor appointed under the 22 Geo. 3. c. 83, which provides a specific penalty for this offence, is nevertheless liable to the penalty imposed by the 55 Geo. 3. c. 137—*West v. Andrews* (4). The prohibition in the statute proceeds upon the general principle, that a person intrusted to buy for another shall not sell on his own account to his *cestui que trust*.

LORD ABINGER, C. B.—The object of the

(1) This and the next case are reported by W. G. Lumley, Esq.

(2) 3 Barn. & Ald. 145.

(3) 8 Taunt. 239; s. c. 2 Mo. 186.

(4) 1 B. & C. 77.

statute was, to prevent an abuse of the parish funds by the parish officers playing into each other's hands. So much doubt occurs upon the language of the statute, that I should have been more satisfied if the Court of King's Bench had granted a rule to shew cause in the case of *Proctor v. Mainwaring*; but I am far from considering that the judgment of the Court is wrong. The principle adopted by Lord Tenterden, that penal laws are not to be extended by construction, is not only sound, but one which is highly honourable to the law of England, as favouring personal liberty. But another reason for not disturbing this nonsuit arises on the provision of the modern poor law, contained in section 77. If it embraces this case, I do not agree in the assertion, that it would not have amounted to a repeal of the former statute. If a crime be subjected to a severe penalty, and a subsequent statute impose a different and more lenient penalty, the latter is, in effect, a repeal of the former. But there is reason to suppose, that the legislature contemplated the distinction which has been drawn between the supply to the poor generally and to a single pauper, and has provided for it accordingly. It is best to adhere to the decisions, and to hold that this case is governed by *Proctor v. Mainwaring*.

PARKE, B.—I also think that we are bound by the decision of *Proctor v. Mainwaring*, though I am not prepared to say that I should have concurred in the judgment there come to. Considerable argument may, however, be founded on the new Poor Law Act. By section 51, the penalty imposed by the 55 Geo. 3. c. 137. is rendered applicable to all officers created by that act, and then follows section 77, which makes the supply of relief by an officer on his own account to any person in the parish the subject of a penalty, but does not apply to the supply of goods to the poor generally. This seems very much like a legislative recognition of the propriety of the decision.

BOLLAND, B.—I think we are bound by the decision of the case in the King's Bench.

Rule discharged.

IN THE EXCHEQUER OF PLEAS.

1837. } GRIFFITH v. HARRIES AND
Jan. 31. } ANOTHER.

Justices—Conviction—Game Act.

By the 1 & 2 Will. 4. c. 32, (the Game Act,) all penalties were to be paid to the overseer of the poor of the parish, in aid of the county rate; but by the 5 & 6 Will. 4. c. 20. s. 21, it is directed that the penalties shall be paid one moiety to the informer, and the other to the overseer of the parish, to be by him applied in the manner before directed:—Held, that a conviction under the first act, directing the whole penalty to be paid to the overseer, to be by him applied according to law, was bad; and that the Justices who signed it, were liable to an action for false imprisonment.

Trespass for assault and false imprisonment against the defendants, who were Justices of the Peace, acting for the county of Pembroke; to which they pleaded, Not guilty, and a tender of amends.

At the trial, before Lord Denman, C.J., at the last Pembrokeshire Assizes, the plaintiff proved an imprisonment in the house of correction of that county, under a commitment signed by the defendants, and they, in their defence, put in a conviction of which the following is a copy:

"Pembrokeshire, to wit.—Be it remembered, that on the 23rd of December 1835, at Heathfield, in the parish of L., in the county of P., Griffiths, of &c. in the parish of St. Edwins, in the said county of P., is convicted before us, J. H. Harries, Esq. and William Jones, Esq., two &c., for that he the said Griffiths did, on &c., at &c., use dogs for the taking of game, without having such certificate as is required by law for that purpose, contrary to the statute; and we, the said Justices, adjudged the said Griffiths for his said offence, to forfeit and pay the sum of 3*l.*, and also the sum of 10*s.* 6*d.* for costs, and in default of immediate payment of the said several sums, he, the said Griffiths, shall be imprisoned in the house of correction, and kept to hard labour, at Haverfordwest, for the space of one calendar month, unless the said several sums shall be sooner paid; and we direct that the said sum of 3*l.* shall be paid to William James, one of the over-

seers of the poor of the parish of Malthry aforesaid, in which parish the said offence was committed, to be by him applied according to the direction of the statute in such case made and provided. And we order that the said sum of 10s. 6d., for costs, shall be paid to G. Jordan Harries, the complainant. Given under our hands,

"J. H. Harries,
"W. Jones."

It was contended, that the conviction was bad, on the ground that the adjudication of the penalty was to the overseer of the parish, according to the 1 & 2 Will. 4. c. 32. s. 38, instead of being, a moiety to the overseer, and a moiety to the informer, as directed by the 5 & 6 Will. 4. c. 20. s. 21. The Lord Chief Justice was of opinion, that the conviction was defective, and that the plaintiff was entitled to a verdict, unless the jury should think that a sufficient sum had been tendered for amends. The jury, however, gave a verdict for the plaintiff, damages 28*l.*, the defendants having leave to move to enter a nonsuit.

Chilton, in Michaelmas term last, obtained a rule accordingly, against which, cause was now shewn, by—

Cresswell, Wilson, and James.—The conviction in this case was defective and bad. The offence complained of, was created by the 1 & 2 Will. 4. c. 32. s. 3, (the New Game Act,) and the conviction proceeded in the form given by sec. 39, the adjudication of the penalty being according to the 38th section, which enacted, "that every penalty and forfeiture for any offence against that act, the application of which has not been already provided for, shall be paid to some one of the overseers of the poor, or to some other officer (as the convicting Justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general county rate." But at the time of the conviction, that section had been repealed by the 5 & 6 Will. 4. c. 20. s. 21, which, after referring to this provision, enacts, "That after the passing of the act, one moiety of all such penalties and forfeitures as were directed to be paid and applied as aforesaid, shall go and be paid to the informer, and the other moiety only

shall go and be paid to such overseer or officer as aforesaid, and be by him applied in the manner by the said act directed; and the form of conviction shall, so far as relates to the distribution of the penalty, for which judgment shall be given, be made according to the fact, and conformably with the directions given by that act as to such distribution." The present conviction directs the whole penalty to be paid to the overseer, instead of a moiety to him and a moiety to the informer. The overseer is not authorized to receive the whole; and a payment to him of the moiety due to the informer, would not discharge the party from the claim of the latter. Supposing the whole penalty to have been paid to the overseer, and he became bankrupt, the party would still be liable for the moiety due to the informer. The refusal, therefore, to pay the whole sum of money to the overseer did not authorize the Justices in committing the plaintiff to gaol.

[*PARKE, B.*—It does not say, that he is to remain in prison for one month unless the penalty be sooner paid: but, if it be paid to the gaoler, would he not get out of prison?]

That would be independent of the conviction. But the object is, that the party may be relieved by a payment before he goes to prison. *The King v. Seale* (1) shews, that the person to whom the penalty is to go must be mentioned in the adjudication. It will be argued, that the overseer is directed to apply it as the law directs; but the statute does not direct him to apply it, and does not require him to distribute it. This is not a defect of form, but it is an error in a substantial part. *The King v. Smith* (2) was referred to.

Chilton, Evans, and E. V. Williams, in support of the rule.—If the conviction had omitted all mention of the overseer, and had merely directed that the penalty should be applied as the law requires, it would have been sufficient—*The King v. Liston* (3); though, where the Justices are to exercise a discretion, or to ascertain the party who is to receive the penalty, they must point out in their adjudication who is to receive it. Here, the statute has specifically pointed out who is to receive the penalty,

(1) 8 East, 568.

(2) 5 Mau. & Selw. 133.

(3) 5 Term Rep. 338.

and the conviction, containing the name of the complainant, sufficiently marks out the informer. It is, however, objected, that the conviction is wrong in directing the payment to be made to the overseer, but it is not clear that that is erroneous. In substance, the penalty is directed to be applied according to the statute: that must mean the statute in force at the time when the conviction took place. Therefore, though paid to the overseer, he must apply and distribute it according to the statute, namely, one moiety to the informer, the other to the county rate. Under both statutes the overseer was a trustee, and the latter does but alter the *cestui que trust*; therefore it is still proper to direct the payment to be made to him. That the two statutes may be looked at for this purpose, appears from *Daniel v. Phillips* (4). Under the former statute, it will be seen that the Justice might order the payment to be made to any officer. The overseer, in the present case, is such officer. It is said, however, that the form is incorrect, and that the act directs that it should be altered according to the fact; but the form given in the statute is not given imperatively—the Justices may adopt one to the like effect, consequently they need not appoint the payment to be made to the party entitled, but may direct it to be made to some person who will pay it over to the parties legally entitled. The general form of conviction, given by the 3 Geo. 4. c. 23, does not contain the name of the party to whom the penalty is to be paid. As to the party convicted, no injury could have happened to him, because, on payment of the penalty to the gaoler, he would have been liberated. *The King v. Barrett* (5), *The King v. Chandler* (6), and *The King v. Helps* (7) were cited.

LORD ABINGER, C. B.—I should have been very glad if I could have seen any ground for supporting this conviction, because there has been a mere slip, no way connected with the merits of the case; but it is impossible. All convictions contain

(4) 1 Cr. M. & R. 662; s. c. 4 Law J. Rep. (n.s.) M.C. 67.

(5) Salk. 383.

(6) Ibid. 378.

(7) 3 Mau. & Selw. 331.

two parts—the adjudication of the offence, and that of the penalty; and if either be defective the conviction fails. Before the statute was passed, which gives the general form, the Justice was bound to pronounce the judgment given by the particular statute. If the statute directed that the Justices should order the payment to be made to any particular individual by name, that was part of the judgment. If it said that half the penalty should go to the king and half to the informer, it might be sufficient if the Justices adjudged the offender to be guilty, and that he should pay the penalty according to law; whereas, where the statute directed them to adjudge the payment to be made to A. B., and they did not do so, the conviction was bad. The general statute contains a form which would have protected the Justices if they had followed it, provided it had been applicable to the present case; but it does not apply, because a form is given by the statutes on which this conviction proceeds. Let us see what those statutes require. It appears, by the first act, that the money was to be paid to one of the overseers, or to some other officer: that is part of the judgment; and, if omitted, the judgment would be bad, as not pursuing the terms of the statute. The next statute [which his Lordship read] has made some alteration. One moiety is to be paid and applied by the overseer or officer to be appointed as the Justices shall direct; therefore that direction must form a part of the judgment; while the other moiety is to be paid to the informer. It appears to me, that since this statute it is necessary, as a part of the judgment, that the Justices should award one moiety to be paid to the informer, and the other to the overseer; and therefore this conviction is void. A conviction is like a judgment in a criminal court; and take the case I put, of a fine adjudged to be paid to a particular individual by name, for the use of the King, such a judgment could not be supported; or suppose an indictment to be brought, and the Judge to pronounce a judgment not conformable with the statute on which it is founded, it would be reversed on a writ of error. No writ of error can be brought on a conviction; but we must pronounce whether it be a good judgment or not; and I am of

opinion, that the judgment is not set out as required by the statute.

PARKE, B.—I concur in the judgment of the Lord Chief Baron, and regret that I am under the necessity of deciding that this conviction is bad. It is a slip of the Justices, who could hardly expect to find an enactment on this subject in a statute passed in relation to the collection of stamp duties. But I am afraid that the omission to comply with the provision of that enactment has rendered the conviction void. The rule of law is clear, that if a conviction is good on the face of it, the Justice is protected; but if it be bad in itself, as shewing a want of jurisdiction, or as directing an imprisonment which the law does not warrant, he is not protected by it—*Groome v. Forrester* (8) and *Robson v. Spearman* (9). Whether, where a conviction discloses a jurisdiction on the face of it, it may be shewn *aliunde* that the Justice had not jurisdiction, is a question on which the Court of King's Bench were divided in opinion, in a case which came before them some years ago, though the majority of the Court thought the Justices might be rendered liable. Now, here, the Justices have awarded an imprisonment of a different nature from that warranted by the law, namely, until the party should pay to a person not warranted by law to receive the money. It is the same case as though he had awarded an imprisonment until he paid the penalty to a stranger. The present conviction is framed on the first statute. But it appears, from a comparison of the two statutes, that there is a material distinction between them. I should agree with the argument offered on the part of the defendants if the statute had directed that the payment should be made to the overseer, and that he should apply the moiety of the penalty in payment of the informer. Then, by the conviction, it would have appeared that the Justices had jurisdiction: and therefore, if it could be understood, from the 5 & 6 Will. 4. c. 80, that the money was actually to be paid to the overseer, but that he was to distribute it partly to the informer and partly in aid of the county rate, I should have been of opinion, that this action could not have

been maintained. It is true, that the conviction might have been quashed, and then the Justices would only be liable to an action on the case, under the statute 43 Geo. 3. c. 141. But the true construction of the statute is, that the penalty is to be divided in the first instance. As, therefore, they have ordered that the party shall pay the whole to a person not entitled to receive the whole, a different kind of imprisonment has been awarded than the Justices were warranted in imposing.

BOLLAND, B.—I am of the same opinion; though I have entertained some doubts in consequence of the decision of the Court in *The King v. Thompson* (10); but the second statute in this case has particularly pointed out the persons to whom the penalty is to be paid, and the Justices have ordered it to be paid to another.

GURNEY, B.—I concur in the regret expressed by the rest of the Court, and in their judgment. The direction of the statute is too clear to be got over.

Rule discharged.

1836. { THE KING v. THE CHURCHWARD-
Nov. 10. { DENS OF ST. MICHAEL, PEM-
BROKE.

Church Building Act—Church Rate—Churchwardens.

Where a sum of money was borrowed on the credit of the church rates, and it was stipulated that the principal should not be called in for twenty years from the time at which it was lent:—Held, that the proper construction of the act, 59 Geo. 3. c. 134. s. 40. was, that the churchwardens should raise annually a sum sufficient to pay the interest, as also a sum equal to the amount of the interest, to constitute a fund for the ultimate payment of the principal at the end of twenty years; but that the lender was not entitled to have that sum paid over to him in redemption of the principal.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 28.]

(10) 2 Term Rep. 18.

(8) 5 Mau. & Selw. 314.

(9) 3 Barn. & Ald. 493.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF SNAPE.

Settlement—Renting a Tenement.

A case stated, that the pauper in 1817 was engaged by a master to take care of his stock on certain marshes. It was agreed that he should receive 12s. a week wages, the keep of one cow, four sheep, and two pigs on the marshes, and should occupy rent-free a house situate there, which had always been appropriated to the person who looked after the stock. The pauper was to go into the house at Michaelmas, and at the time when he commenced taking care of the stock, it was stipulated that he should not be obliged to leave the house, unless he had notice to quit at Michaelmas. He took charge of the stock and had possession of the house for nine years, and during that time had no other employment than the taking care of this stock. The Sessions having found, that the occupation by him was in the character of servant, the Court refused to set aside that finding.

Upon appeal against an order of two Justices, whereby Abigail, widow of William Alexander, was removed from the parish of St. Osyth, in the county of Essex, to the parish of Snape, in the county of Suffolk, the Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

In 1817, William Alexander, then a servant in the employ of William Dawson, was engaged by him to take care of his stock upon the marshes of St. Osyth. It was agreed that he should receive 12s. a week wages, the keep of one cow, of four sheep, and of two pigs, upon the marshes; and for this he was to occupy (rent-free) a certain house situate upon the marshes. This house had been originally built for, and had always been appropriated to the use of, the person who looked after the stock upon the marshes, and was never let to any other person; and Dawson hired the marshes and the cottage at the same time. Alexander was to go into the house at Michaelmas, and, at the time he commenced taking care of the stock on the marshes, it was stipulated, at his express desire, that he should not be

obliged to leave the house, unless he had notice to quit at Michaelmas.

Alexander took charge of the stock and possession of the cottage in 1817, and resided in it for more than nine years, during which time he had no other employment than taking care of Mr. Dawson's stock.

The Sessions found, that, without the cottage, the keep of a cow, four sheep, and two pigs, given to Alexander under the above agreement, was not a tenement of sufficient value to confer a settlement; and also were of opinion, upon the facts above stated, that the occupation of the cottage by the pauper was an occupation by him in the character of a servant, and connected with the hiring, and not an occupation as a tenant.

If the Court were of opinion that the Sessions arrived at an improper decision with respect to the cottage, the order of Sessions was to be quashed; otherwise to stand confirmed.

Ryland and Turner, in support of the order of Sessions, were stopped by the Court.

Knox.—The facts of this case occurred before the 59 Geo. 3. c. 50, and, therefore, it stands upon the law under the 13 & 14 Car. 2. c. 12; consequently, it was not necessary that the tenement should be rented by the pauper. He might occupy it, though not as a tenant—*The King v. St. Mary, Newington* (1). But the allowances here are given by way of wages for his service, and he had a specific interest in the house independently of his duty as a servant. He stipulates for notice before he shall be called upon to leave the house; whereas, if he held it in his character of servant, his interest would have ceased with his service. In *The King v. Cheshunt* (2) the pauper left the house when his service ended.

LORD DENMAN, C.J.—In my view of the case, the pauper did not hold the house as tenant of it until his service expired; and I do not know when that took place. Perhaps he did not hold as a tenant for a single day. He was not to be compelled to leave the house, unless he had notice to quit at Michaelmas. Quit what? It might

(1) 5 B. & Ad. 540; s.c. 2 N. & M. 357; 3 Law J. Rep. (N.S.) M.C. 10.

(2) 1 B. & Ald. 473.

be both the house and the service, or it might be a stipulation as to the terms of the service. The Sessions were not, as far as it appears to us, wrong in their decision.

WILLIAMS, J.—That is enough for us now to determine. If they had been clearly wrong, we must have quashed their decision; but there was evidence for their consideration. Mr. Knox says, the last stipulation in the agreement tends to contradict their finding. That does not appear so to me. Perhaps nothing more was intended than an indulgence to the pauper, without any intention of conferring any legal rights upon him.

COLERIDGE, J.—The Sessions had the agreement before them; and they drew proper conclusions both of law and of fact. The party objecting to those conclusions must satisfy us that they were wrong. In substance, this was an agreement between a master and servant. All had reference to that; the wages were to be partly money, partly the keep of cattle, and partly the occupation of the cottage. The pauper might have said, it would be inconvenient to be turned out of the cottage as soon as he was dismissed from the service, and so might ask for an indulgence. I will assume that he was to have a six months' notice; still it would not follow that he was a tenant. The cottage had always been occupied by the man who attended to the cattle, and by no other person, and was part payment for that labour.

Order of Sessions confirmed.

1837. }
Jan. 25. } THE KING v. JOHN GEORGE.

Poor-rate—Ground of Appeal.

The mere fact of an omission by the overseers to rate a particular occupier of land, without proof of any specific injury, is not a sufficient grievance to warrant an appeal by that occupier against a poor-rate.

Upon an appeal against a rate made for the relief of the poor of the parish of Tid St. Giles, in the Isle of Ely, on the 30th of April 1835, the Court of Quarter Sessions

confirmed the rate, subject to the opinion of this Court on the following

CASE.

The notice of appeal stated, "that the said John George is not rated and assessed in the rate for and in respect of a messuage or dwelling-house, occupied by him within the said parish; and further, that the said rate is, in other respects, illegal, unequal, and unjust." At the hearing of the appeal, it was proved that the house had been rated during the occupancy of a former tenant, and up to the time when it ceased to be occupied, at 6*l.* a year, but that the last rate was not paid; that it had been unoccupied for a short time; that, on account of the difficulty of obtaining payment of the rates, it was not afterwards rated; that the appellant had then become the occupier, had expressed his willingness to be rated, and had requested the parish officers to rate him, but they had not done so; that the parish officers have not of late rated similar houses, on account of the difficulty of obtaining the rates.

If the Court be of opinion that the grounds of appeal, stated in the notice, are sufficient, and that the said appellant ought to have been rated in the said rate, then it is to be amended in that particular, and the order of Sessions quashed; if otherwise, both are to be confirmed.

Crompton, for the appellant.—This appeal is right. The omission of the name in the rate, is a grievance of which the party has a right to complain. It may be that he loses a franchise by not being on the rate.

[LORD DENMAN, C. J.—If the parish officers can raise a sufficient sum, they are not bound to go so low as this property in their assessment. The loss of a franchise is not a grievance contemplated by the act of parliament.]

[WILLIAMS, J.—Are you prepared to say that the rate is unequal? Generally, the complaint is that the parish officers assess a party too highly.]

It may be that this is a novel ground of complaint, yet the rate is wrong. The 17 Geo. 2. c. 38. s. 4, which gives a party a right of appeal if he finds himself aggrieved by any rate made for the relief of

the poor, does not confine the grievance to a pecuniary grievance.

[COLERIDGE, J.—Must you not contend that the not being rated is *prima facie* a grievance? What facts shew that you have sustained any grievance?]

The stat. 43 Eliz. c. 2. directs the overseers to rate all the occupiers within the parish, and the appellant, not being on the rate, cannot attend parochial meetings, and may lose other advantages.

[LORD DENMAN, C.J.—Every occupier of land should be rated, you say. It is certainly in the power of the overseers to rate all persons, but it is not necessarily their duty to do so, even though certain rights may result from their being rated.]

Thesiger and Byles, contra, were stopped by—

The COURT, who were clearly of opinion, that no grievance was shewn in the case, and—

Discharged the rule (1).

1837. } THE KING v. THE INHABITANTS
Jan. 31. } OF BALSALL.

Settlement—Renting a Tenement—1 Will. 4. c. 18.

After the passing of the 1 Will. 4. c. 18, a pauper hired two separate dwelling-houses under the same roof, together with three acres of land, at an entire rent of 14l. a year. He occupied one house and the land, and underlet the other house for 4l. a year:—Held, that he did not gain a settlement by renting a tenement, as he did not exclusively occupy the whole subject-matter of the taking.

Upon appeal against an order of two Justices, made the 7th of February 1835, for the removal of John Welday, with his wife and children, from the parish of Burkswell to the hamlet of Balsall, both in the county of Warwick, the Sessions quashed the order, subject to the opinion of this Court upon the following—

(1) The Reform Act, 3 Will. 4. c. 45. s. 30, and the Municipal Corporation Act, 5 & 6 Will. 4. c. 76. s. 11, authorize parties occupying premises within boroughs to claim to be put upon the rate; and after such claim, they are entitled to vote in elections under those statutes, whether they are put upon the rate or not.

CASE.

Previous to Lady-day of 1832, the pauper hired two cottages, being separate and distinct dwelling-houses, but adjoining to each other, and under one continuous roof, together with three acres of land, situate in the respondent parish, for a year from Lady-day, 1832. The pauper entered into possession of one of the cottages and the land, and occupied the same under the said hiring till Lady-day, 1833. The other cottage he laid out money upon, and converted into a beer shop, and underlet to John Sturley at a yearly rent of 4l.; and Sturley occupied the same till near Lady-day, 1833, and paid the pauper the rent for it. The year's rent of 14l., reserved by the agreement for the whole property, was paid by the pauper to the landlord. The cottage and land occupied by the pauper were worth more than 10l. of the rent (14l.) paid by him for the whole. If the Court of King's Bench were of opinion, upon the state of facts, that the pauper gained a legal settlement in Burkswell, the order of Sessions to be confirmed; but, if not, the order was to be quashed.

Waddington and Hayes, in support of the order of Sessions.—The question turns upon the 1 Will. 4. c. 18. The pauper occupied a house and land, so as to give a settlement within the meaning of the statute. It is true he underlet another house; but this is a different case from a single house, of which the pauper occupies only a part: then, no doubt, he would not gain a settlement. The result of the case of *The King v. St. Nicholas, Rochester* (1) is, that, if a party lets lodgings, he cannot gain a settlement; but the case of *The King v. Pickering* (2) is an authority in support of the order of Sessions. There the land was situate in two parishes; and the Court held, that evidence was admissible to shew the relative proportion of the value of each. Suppose the boundary of the two parishes had run between the two houses, the case would have been exactly the same; and the rent of the two cottages might be apportioned. If not, suppose a man occupied 1,000 acres of land

(1) 5 B. & Ad. 219; s. c. 3 Law J. Rep. (N.A.) M.C. 54.

(2) 2 B. & Ad. 267; s. c. 9 Law J. Rep. M.C. 106.

in a parish, and let off one acre, he could not gain a settlement. It never was intended by the 1 Will. 4. c. 18. to alter the law as laid down in *The King v. Pickering*.

Amos (and *Daniel* was with him), contra. —The part which was underlet cannot be said to have been occupied by the pauper, though the amount of the rent, which was retained by him, exceeded 10*l.*; and the settlement was not gained. The 6 Geo. 4. c. 57. must be considered as incorporated with the 1 Will. 4. c. 18; and then the settlement will not be gained, unless the tenement consist of a separate and distinct dwelling-house or building, nor unless such building be occupied by the party hiring the same.—(Here he was stopped by the Court.)

LORD DENMAN, C.J.—We think that the statute should not be construed so as to raise these delicate distinctions. The subject-matter, which must form the tenement, must be exclusively occupied by the party.

WILLIAMS, J.—On the old acts many nice distinctions have been raised by the Judges;—but I think we should not introduce them on new statutes. The subject-matter of the taking should be entirely occupied by the party renting it. That is the fair and obvious meaning of the 1 Will. 4. c. 18.

COLERIDGE, J.—I am quite of the same opinion; and I decide this case on the same principle—namely, to give full meaning to the plain words of the statute. Looking at the expressions there used, I have no doubt that the whole tenement must be occupied by the party to enable him to gain a settlement. And when I am pressed with the inconvenience which may arise from such a decision, I answer that an argument of the same kind was urged upon the Court when they were called upon to decide, that the payment of the whole year's rent was necessary (3). The Court, however, adhered to the words of the act, and the legislature passed a new act to remedy the inconvenience.

Order of Sessions quashed.

(3) In *The King v. Ashby*, 8 B. & C. 27, s. c. 6 Law J. Rep. M.C. 74; and *The King v. Ramsgate*, 6 B. & C. 712, s. c. 5 Law J. Rep. M.C. 69.

1836. { THE KING v. THE CHURCHWARDENS AND OVERSEERS OF THE POOR OF EDLASTON.
Nov. 5. }

Poor-rate—Mandamus.

Where one set of parish officers refused to consent to a poor-rate drawn up in the usual form by the other set, unless the latter described the locality of certain property therein, so as to operate as an admission against the interest of one of the latter, the Court granted a mandamus to compel them to make a rate, and made it absolute in the first instance.

Edlaston is a parish in Derbyshire, maintaining its own poor, and is divided into two districts, named Edlaston and Wyaston, which separately repair their highways, but they are not separated for the relief of the poor. Two churchwardens and two overseers are elected annually for the whole parish, and a rate for the relief of the poor had become necessary since August last. The churchwarden and overseer who live in Wyaston, prepared a rate in the usual form, without distinguishing between the persons occupying lands in the one or the other district, and requested the other parish officers to consent to it. They refused to consent to that rate or to make any other rate, unless it were stated therein that certain inclosures, of which one was occupied by the overseer who lived in Wyaston, were situate in Edlaston. This conduct was alleged to be the result of directions from the lord of the manor.

Greaves now moved for a mandamus to the churchwardens and overseers of the poor of Edlaston, to make a poor-rate, on an affidavit which stated these facts. He urged, that the one set of officers had no right to compel the others to make admissions against their interest, by refusing to join in the rate; and he mentioned a case in the Bail Court, where a like motion had been made absolute in the first instance, the parties against whom it was moved being left to make a return.

The COURT granted the rule, and made it absolute in the first instance,—

Rule absolute (1).

(1) See as to the form of the poor-rate, 6 & 7 Will. 4. c. 96.

PRACTICE UNDER THE PRISONERS' COUNSEL ACT.

Criminal Law—Evidence—Depositions—Cross-examination—Right of Reply.

Course of practice on trials for felony, where the prisoner is defended by counsel, as to cross-examination from the depositions, and as to the right of reply for the prosecution, where a supposed variance or contradiction between the deposition and the testimony of a witness at the trial, is relied upon by the counsel for the prisoner—where witnesses are called to character—and where the prosecution is instituted by the Crown.

At a meeting of twelve of the Judges (1), for the purpose of choosing the Spring Circuits of 1837, a discussion took place as to some points which were thought likely to occur at the Assizes, in consequence of the recent Act (2) for allowing prisoners, indicted for felony, to make full defence by counsel; and the following seemed to be the course of practice which the Judges present thought it would be most advisable to adopt:—

I. That where a witness for the Crown has made a deposition before a Magistrate, he cannot, upon his cross-examination by the prisoner's counsel, be asked whether he did or did not, in his deposition, make such or such a statement, until the deposition itself has been read, in order to manifest whether such statement is or is not contained therein; and that such deposition must be read as part of the evidence of the cross-examining counsel.

II. That, after such deposition has been read, the prisoner's counsel may proceed in his cross-examination of the witness as to any supposed contradiction or variance between the testimony of the witness in court and his former deposition; after which the counsel for the prosecution may re-examine the witness, and after the prisoner's counsel has addressed the jury, will be entitled to the reply. And in case the counsel for the prisoner comments upon any supposed variance or contradiction, without having read the deposition, the Court may direct it to be read, and the

counsel for the prosecution will be entitled to reply upon it.

III. That the witness cannot, in cross-examination, be compelled to answer, whether he did or did not make such or such a statement before the Magistrate, until after his deposition has been read, and it appears that it contains no mention of such statement. In that event the counsel for the prisoner may proceed with his cross-examination; and if the witness admits such statement to have been made, he may comment upon such omission, or upon the effect of it upon the other part of his testimony; or if the witness denies that he made such statement, the counsel for the prisoner may then, if such statement be material to the matter in issue, call witnesses to prove that he made such statement. But in either event, the reading of the deposition is the prisoner's evidence, and the counsel for the prosecution will be entitled to reply.

IV. If the only evidence called, on the part of the prisoner, is evidence to character, although the counsel for the prosecution is entitled to the reply, it will be a matter for his discretion whether he will use it or not. Cases may occur in which it may be fit and proper so to do.

V. In cases of public prosecutions for felony, instituted by the Crown, the law officers of the Crown and those who represent them, are, in strictness, entitled to the reply, although no evidence is produced on the part of the prisoner.

1836. { THE KING v. THE JUSTICES OF SUFFOLK.

Mandamus—Case.

The Sessions having quashed an order of removal upon the 4 & 5 Will. 4. c. 72. s. 79 & 81, on the ground that the respondents had not sent a copy of the examination as to the chargeability of the paupers, subject to a case upon the necessity thereof, which case the respondents had not brought up, the Court refused a mandamus to compel the Sessions to enter continuances, and hear the appeal.

Margaret Harren and her four children, having become chargeable to the parish of

(1) Littledale, J., Bosanquet, J., and Coleridge, J. were absent from iudicium.

(2) 6 & 7 Will. 4. c. 114.

Chediston, in Suffolk, applied to two Justices for an order of removal to the parish of St. Andrew Ilkethall, in the same county. The examination of the pauper was taken as to the place of her settlement, and that of the overseer as to her chargeability, and an order of removal was made. A notice of the pauper's being chargeable was served on the overseers of St. Andrew's, and a copy of her examination was delivered; but, by an accident, the copy of the overseer's information as to the chargeability was omitted to be sent. The parish officers of St. Andrew's appealed against the order of removal, stating, as one of the grounds of appeal, that it did not appear, from the copy of the examination sent, that the paupers had become chargeable to the parish of Chediston.

At the sessions, the appellants put in their notice of appeal; and thereupon the respondents produced the original examinations and information of the overseer. The Sessions, however, held this to be insufficient, and quashed the order, subject to the opinion of the Court upon the necessity of stating the chargeability in the examinations sent, it being already stated in the order of removal. In Easter term last, a rule nisi for a mandamus, directed to the Justices of the county of Suffolk, was obtained, commanding them to enter continuances, and hear the appeal; and now—

B. Andrews shewed cause.—The Quarter Sessions having granted a case, which the respondents have not thought fit to bring up, this Court will not interfere by way of mandamus—*The King v. the Justices of the West Riding* (1).

Austin, in support of the rule.—The question in that case was simply one as to the practice of the particular Sessions. Here, the question is as to the proper construction to be put on the new Poor Law Act, 4 & 5 Will. 4. c. 72. s. 79 & 81. By the decision which the Justices at sessions have come to, there has been no trial of the appeal at all; and if the Court will decide the point on this motion for a mandamus, the case will be settled in a very cheap manner for the benefit of both parties.

(1) 1 Ad. & El. 606; s. c. 8 Law J. Rep. (N.S.) M.C. 54.

LORD DENMAN, C. J.—The Court will not proceed on the distinction which has been pointed out. It is impossible to enforce two modes of compelling the Sessions to go on to hear the appeal. The party, when they accepted the case, made their election.

Rule discharged, with costs.

1836. } THE KING v. THE INHABITANTS
Nov. 16. } OF BILLINGHAY.

Poor Law—Case sent up from Sessions—Parol Evidence—Contract of Hiring and Service.

*The Sessions sent up a case to the Court of King's Bench, which found certain facts, and set out this written agreement: "Memorandum, that the undersigned R. L. agrees on behalf of his son R. L., that he shall serve R. M., of &c., in his business of a wheelwright, from this time to the 27th of May 1830; the said R. M. paying, at the expiration of the said term, 5*l.* to the said R. L. the younger; R. L. to find his son clothes, washing, and all other necessaries, and R. M. meat, drink, and lodging;" and the case also stated that the respondents proposed to give in evidence, conversations between the parties before and at the time of signing the agreement, and also an indorsement on the paper on which the agreement was written, which evidence was rejected; and the case concluded by submitting to the Court, as a distinct question, whether the agreement was an agreement of hiring and service, but not submitting any question as to the admissibility of the evidence:—Held, first, that this agreement was a contract of hiring and service; secondly, that the purport of the conversations not appearing, and no question being submitted thereon, the Court could not say that the evidence was improperly rejected, nor would they send the case down to be restated.*

By an order of two Justices, Robert Dickenson Lynn was removed from the parish of Asterly, in Lincolnshire, to the parish of Billingham, in the same county. The Court of Quarter Sessions confirmed the order, subject to the opinion of this Court, on the following

CASE.

The pauper was bound apprentice by indenture for the term of five years, to Robert Lund, of Billingham, wheelwright, and served him at Billingham, under the indentures, for one year and eight months. The indentures were then cancelled, the pauper's father having bought up the remainder of his time. The pauper, afterwards, having first gone upon liking, let himself to Robert Medley, of North Racely, wheelwright, under a written agreement, which was signed by the pauper's father, Robert Medley, and the pauper, and is in the following words:—"Memorandum, that the undersigned Robert Lynn agrees on behalf of his son, Robert Lynn, that he shall serve Robert Medley, of North Racely, in his business of a wheelwright, from this time to the 27th of March 1830, the said Robert Lynn to find his son clothes, washing, and all other necessities, and Robert Medley meat, drink, and lodging. Witness our hands, this 3rd day of December 1827.

"Robert Lynn.

"Robert Lynn.

"Robert Medley."

The pauper stated that he served as an apprentice. The respondents proposed to give in evidence conversations between the parties before and at the time of signing the instrument, but the Court refused to admit the evidence. The respondents also proposed to give in evidence the indorsement on the paper, within which the agreement was written; but as it was not proved that the indorsement was on the paper at the time the agreement was signed, the Court refused to admit the evidence.

If the Court of King's Bench should be of opinion that the agreement was an agreement of hiring and service, the order of Sessions to be quashed, otherwise to be confirmed.

Whateley and *Whitehurst*, in support of the order.—The Sessions were justified in their decision; or if not, the case ought to be sent back to them, that they may receive the evidence which was tendered. Clearly what passed between the parties at the time, ought to have been admitted. A consideration not appearing on the deed may be shewn by extrinsic evidence. The

true nature of the contract also might be shewn on the trial of this appeal, even though the parties themselves might be estopped from contradicting what appears on the written document. It may be shewn that the document was colourable only, and with a view to defraud the revenue—*The King v. Highnam* (1), *The King v. Laindon* (2), *The King v. Scammonden* (3), *The King v. North Wingfield* (4), *The King v. Llangunnor* (5), *The King v. Cheadle* (6), and *The King v. Wickham* (7).

[LORD DENMAN, C.J.—The evidence might or might not be receivable under circumstances, but the Sessions have not stated what evidence was proposed to be given.]

The Sessions rejected *all* the conversation: they must have been wrong in that. Then they rejected the indorsement, on the ground that it did not appear to be contemporaneous with the agreement itself; but it was so *prima facie*, and it was incumbent upon the opposite party to prove that it was not. Then the Sessions were right in construing this as an imperfect contract of apprenticeship. It is not easy to lay down any rule which governs the construction of these contracts. After all, the question is a question of fact; and if so, the Sessions have determined it, by confirming the order, and the Court will not disturb their finding.

[LORD DENMAN, C.J.—The only question submitted to us for our opinion, is, whether the agreement is an agreement of hiring and service.]

The Court of Quarter Sessions have no right so to limit the inquiry of this Court. If they send up a case, the Court of King's Bench must give judgment according to all the circumstances of that case, as detailed; and here the facts which are stated warrant the Court in deciding that there was not a contract of hiring and service.

Hildyard, White, and Bourne, contra, were stopped by the Court.

(1) *Bott*, 501; *a. c.* *Cald.* 491.

(2) 8 *Term Rep.* 379.

(3) 3 *Term Rep.* 474.

(4) 1 *B. & Ad.* 912; *a. c.* 9 *Law J. Rep. M.C.* 37.

(5) 2 *B. & Ad.* 616; *a. c.* 9 *Law J. Rep. M.C.* 90.

(6) 3 *B. & Ad.* 833; *a. c.* 1 *Law J. Rep. (N.S.) M.C.* 75.

(7) 2 *Ad. & Ell.* 517; *a. c.* 4 *Law J. Rep. (N.S.) M.C.* 45.

LORD DENMAN, C. J.—There is no real doubt in this case. We are bound to take the order of Sessions as we find it. They refer to us a question as to the effect of a certain instrument, which is in writing. I think that is a question of law for the determination of this Court. They have referred it to us to say, whether that paper constitutes in law an agreement for a hiring and service; and looking at that alone, I think it is nothing else than a contract for a hiring and service. I find nothing about apprenticeship or teaching in it. Then, it is said, that the Sessions did wrong in rejecting the evidence of the conversation which took place when the agreement was entered into. It is not stated what was the purport of the conversation, or the purpose for which it was tendered in evidence. Such conversation might or might not be admissible. If it were sought to shew that the instrument was founded in fraud, or that the revenue had been defrauded, extrinsic evidence would be admitted; but, if the object of that evidence be to explain the effect of the contract, it would not be admissible. But the question submitted to us is not whether the evidence under the circumstances proposed to be proved, was admissible; we are simply to say what is our construction of the document; and we see nothing wrong in the case, except the conclusion to which the Sessions have come.

PATTESON, J.—I do not agree in the observation, that there is no difference between the written instrument and the parol contract. The latter is a question of fact, the former of law. The Sessions have sent the written instrument to us for our construction. As to the question of evidence, the Sessions have not told us what the conversation which was rejected was, and therefore we cannot tell whether it was admissible or not. Then the case comes to us merely to construe an instrument which appears to be a contract of hiring and service, and therefore I think the Sessions were wrong.

WILLIAMS, J.—The question submitted to us for our opinion is, as to the construction of the memorandum. As to the evidence, it might have been admissible, or it

might not. In *The King v. Highnam*, the evidence shewed that the parties did not execute the indenture in order to save the expense of the stamp, and it was admitted; but nothing of the kind appears on the present occasion. With regard to the main point, this appears to have been a contract of hiring and service, and nothing else.

COLERIDGE, J.—I am as averse as any one can be to this Court receiving a case from the Sessions, which merely involves a question of fact. The Court of Quarter Sessions sit as a Judge and jury, but when they sit as a Judge, this Court has a power to revise their decision. The case which they have sent us is as to the construction of a written agreement. If this had happened at *Nisi Prius*, the Judge would have directed the jury as to its effect in point of law. Then the Sessions have brought the question before us, whether they have put the right construction on this instrument, and I think they have not. It is said, that they have not found a service as a servant, but that the pauper said that he served as an apprentice. But they do not say that they adopted his statement. With regard to the rejection of the evidence, we cannot decide that it was improperly rejected, unless we are prepared to hold that all conversation and all indorsements made at the time when the instrument is executed, are of necessity to be admitted. Now the case is so meagrely stated, that we cannot form a judgment as to the admissibility of the evidence. As to the cases which have been cited, I agree with my Lord, that they do not apply. There is no case in which parol evidence has been received to shew the nature of the agreement. They are either cases where an additional consideration has been shewn beyond that which has been expressed, as in *The King v. North Wingfield*, or, as in *The King v. Llangunnor*, the instrument was admitted to speak truth, but the parol evidence was admitted to shew that the consideration was parish money, and therefore no stamp was required; and in *The King v. Cheadle*, it was shewn, that money stated to have been paid had not, in fact, been paid.

Order of Sessions quashed.

1837. { THE KING v. THE POOR LAW
Jan. 30. { COMMISSIONERS FOR ENG-
LAND AND WALES.

Poor Law Amendment Act, — 4 & 5
Will. 4. c. 76—Election of Guardians.

The Poor Law Commissioners have no power to direct a parish which is governed as to the management of the poor by a local act, and also by section 2 of 2 Will. 4. c. 60, (Sir John Hobhouse's Act,) to elect guardians of the poor, under section 39 of the Poor Law Amendment Act,—(Dissentiente, Williams, J.)

The Poor Law Commissioners, in March last, acting under the 4 & 5 Will. 4. c. 76. s. 39, issued an order to the inhabitants of the parish of St. Pancras, directing them to elect twenty guardians of the poor. Opposition was made to the power of the commissioners to make such an order, inasmuch as that parish was governed by a local act; nevertheless, an election did take place, and the requisite number of guardians were chosen, but the persons so chosen were all previously directors of the poor and vestrymen, and refused to recognize their characters of guardians. On the 9th of July, the commissioners made an order, addressed to the guardians and *ex officio* guardians, directing them to form a board and elect a chairman. The guardians refused to obey this order, and the *ex officio* guardians, though willing to obey, doubted whether they had any power, as the other guardians refused to form a board. In Michaelmas term,—

The Attorney General obtained a rule nisi for a mandamus to the guardians and the *ex officio* guardians commanding them to obey this order of the 9th of July. Cause was shewn against the rule by—

Sir F. Pollock, Prendergast, Austin, and Thomas.

Adams, Serj., and Andrews, Serj., appeared for the *ex officio* guardians, and were ready to abide the decision of the Court without any opposition.

The Attorney General, in support of the rule, was stopped by the Court, who said that they could not well issue the mandamus to the guardians of poor, when these latter disclaimed to hold that office. Whereupon—

NEW SERIES, VI.—MAG. CAS.

Sir F. Pollock (the requisite notices having been previously given,) moved for a *certiorari* under section 105, to remove the orders into this court, against which—

The Attorney General, Sir W. W. Follett, Wightman, and Tomlinson, shewed cause in the first instance, according to the 106th section. (The arguments rested mainly upon the construction of the different sections of the statute, and are all fully stated in the judgments of the Court, which were delivered this day by the Judges *seriatim*.)

COLERIDGE, J. — This was a case in which the Poor Law Commissioners for England and Wales shewed cause in the first instance, under the 106th section of the 4 & 5 Will. 4. c. 76, against a rule for a *certiorari*, to remove, for the purpose of quashing, an order issued by them to the parish of St. Pancras, by which they were directed to elect twenty guardians of the poor for that parish; and the question for our decision is the validity of that order, under the circumstances, *few in number*, which I am about to state.

At the time of issuing the order, the parish was, and ever since the passing of the 59 Geo. 3. c. 39, (a local act,) had been under the government of authorities constituted by that act, with various powers, and among others with that of administering the relief of the poor: and a board of directors, forty in number, were intrusted with the immediate management of that relief. It is contended on the part of the vestry, that this local act prevents the commissioners from constituting a new board of guardians of the poor. On the part of the commissioners it is urged, that that circumstance does not deprive them of the power which they derive for this purpose from the 39th section of the act. It is enacted by that section, "that if the commissioners shall by any order under their hands and seals, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted, and authorized and entitled to act for such single parish, in like manner in all respects as is hereinafter provided, in respect to a board of guardians for united parishes, and every Justice of the Peace

resident therein, and acting for the county, &c., shall be and may act as an *ex officio* member of the board."

The whole question turns on the meaning properly to be given to this section. It will be observed, that it does not in direct terms give the power of constituting a board of guardians in single parishes, but rather seems directed to the *election* and *attributes* of such a board, if they shall exercise the power of erecting one; but assuming, as I think we must do, and which has not been contested in the course of the argument, that the grant of such a power to the commissioners must be implied from the language of this section, I do not see how it can be denied, that the words, entirely unrestrained as they are, are large enough to extend to single parishes, under whatever circumstances they may be, and so to authorize the order in question with regard to St. Pancras.

It is, in my opinion, so important for the Court, in construing modern statutes, to act upon the principle of giving full effect to their language, and of declining to mould that language in order to meet either an alleged inconvenience or an alleged equity upon doubtful evidence of intention, that nothing will induce me to withdraw a case from the operation of a section which is within its words both clear and unambiguous, unless I am fully satisfied, that so to do is to fulfil the general intent of the statute, and also that to adhere to the literal interpretation, is to decide inconsistently with other and overruling provisions of the same statute. When the evidence amounts to this, the Court may properly act upon it, for the object of all rules of construction being to ascertain the meaning of the language used, and it being unreasonable to impute to the legislature inconsistent intents upon the same general subject-matter, what it has clearly said in one part, must be the best evidence of what it has intended to say in the other, and if the clear language be in accordance with the plain policy and purview of the whole statute, there is the strongest reason for believing, that the interpretation of a particular part inconsistently with that, is a wrong interpretation: the Court must apply in such a case the same rules which it would use in construing

the limitations of a deed; it must look to the whole context, and endeavour to give effect to all the provisions, enlarging or restraining, if need be, for that purpose, the literal interpretation of any particular part.

Upon an attentive consideration of the several clauses of this statute,—a consideration necessarily more attentive, because one of my learned Brothers has formed a different opinion,—it seems to me, that the general words of the section in question must receive a restrained construction. It will be necessary, in order to justify this opinion, to examine the statute more in detail than I could have wished; but before I do so, I think it right to premise a remark, which must be borne in mind in order to give to the evidence resulting from this examination its due weight. The remark is this, that we are dealing with a statute which has reference, not so much to the common law as to a great number of previous statutes; that its general intent is in accordance with them, except where it makes out in express language their partial repeal or modification. I find it, therefore, more difficult to adopt that construction which supposes an intent to repeal them as to other important but unspecified provisions by implication. The large and literal interpretation of this clause will certainly become more improbable, if it shall appear to be at variance, not only with the clear intent and meaning of other unambiguous clauses in the same statute; but if it shall also have the effect of repealing in part a former statute, one of a class too manifestly in the contemplation of the legislature when this act was framed, expressly subjected to its operation in some particulars, and expressly saved from it in the main. In the case of *Williams v. Pritchard* (1), Lord Kenyon uses language applicable to this part of the subject: "It cannot be contended, that a subsequent act of parliament will not controul the provisions of a prior statute, if it were intended to have that operation, but there are several cases in the books to shew, that where the intention of the legislature was apparent, that the subsequent act should not have such an operation, there, even though the words

(1) 4 Term Rep. 2.

of such statute, taken strictly and grammatically, would repeal a former act, the courts of law judging for the benefit of the subject have held that they ought not to receive such a construction."

The first section to which it is important to look in this examination is the 15th, which describes generally the powers and duties of the commissioners. By this, although the administration of relief to the poor is made subject to their directions, yet that is still to be according to the existing laws, or such laws as shall be in force at the time being, and they are empowered to issue orders for the guidance and controul of all guardians, vestries, and parish officers. The term "guardian," by the 109th section, (the interpretation clause,) includes "any visitor, director, or other officer in a parish appointed to act as a manager of the poor, and in the distribution or ordering of the relief to the poor under any local act of parliament; and the directors, therefore, of St. Pancras, may be guided and controuled under this section, but the management of the poor cannot be taken from them.

The 21st section, which is the next affecting this question, is more explicit to the same purpose, for it enacts, "that, except where otherwise provided for by the act, all the powers given by any act of parliament, general as well as local, in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same under the controul, and subject to the rules, orders, and regulations of the commissioners, and they and the assistant commissioners shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote."

The 22nd section restrains the authorities under any local act relating to the relief of the poor, from making henceforward any new rules, orders, or regulations, until the same shall have been submitted to and approved and confirmed by the commissioners.

Thus far it cannot be doubted, that the express object of the statute is to obtain an improvement and uniformity in the management of the poor, not by creating any new machinery in the parishes, but

by preserving that which existed, whether under general or local acts, and submitting it to the guidance and controul of the commissioners.

By the 25th section, the commissioners are empowered "to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor." And by section 32, from time to time to dissolve, add to, or take from any union, whether formed before or after the passing of the act, provided that "no such dissolution, alteration, or addition, shall be made, unless two-thirds of the guardians of such union shall concur therein." The 38th section enacts, "That wherever an union shall be formed by order or with the concurrence of the commissioners, a board of guardians shall be constituted and chosen for such union, and the relief of the poor in such union shall be administered by such board."

These sections, from the 26th to the 38th inclusive, with the intermediate and unnoticed sections, extend the powers of the commissioners to the constitution, dissolution, and alteration of parochial unions, and to the establishment of boards of guardians; but it is remarkable, that when they come to the alteration of existing unions, they cannot proceed without the consent of two-thirds of the guardians already constituted.

The 39th section, on which the question turns, follows:—I have already stated it. It appears to me, that no one reading it, even by itself, would suppose it intended to apply to any single parish in which the administration of the poor laws was already in the hands of a board of guardians; the obvious intention seems to me, merely to give the commissioners the power to introduce the same system of government by a board of guardians, into single parishes, in which it did not exist before, as they were directed to introduce into the unions, which they should form or concur in forming. The argument to be derived from this, is not without strength in itself. It is founded on the very words and form of expression used in the section; but it receives a great increase of force when it is found to harmonize so exactly, both with the constitutive and conservative part of the previous sections of the act. It agrees with the

former in enabling the boards to be established where none existed before; with the latter, where such a board does exist, in leaving the persons authorized by law, in the language of the 21st section, to exercise the powers of their local act relating to the relief of the poor. In both cases, still effectuating the main object of the act, that all shall be under the guidance and controul of the commissioners.

A few sections, however, still remain to be noticed, which serve to throw a stronger light on the meaning of this section. The 40th enacts and describes in detail a new mode of voting, which is to be observed in all cases of election of guardians under this act, and the 41st enacts, in express terms—"that all elections of guardians under any local act shall hereafter, so far as the commissioners shall direct, be made and conducted according to the provisions of this act." It may reasonably be asked, why introduce this express power to regulate the elections of these local boards if they held their existence as boards for the management of the poor only at the pleasure of the commissioners? But to this clause is attached a proviso still more important to the argument; by this, the commissioners are empowered to make such alterations in the number, mode of appointment, removal and period of service of the guardians, or any of them, of any parish or existing union as to them shall seem expedient, but this only with the consent of the majority of the owners and rate-payers. Can they, then, make such alterations as above specified only with the consent of the parish? and may they destroy the same board by their mere order? It was urged, I am aware, that the present order does not destroy the local board in St. Pancras, that the management of the poor was but one of its functions, and that it will still subsist for many important purposes. I do not stop to notice the inconvenience of this double machinery. But, in truth, is the fact alleged in this particular case any answer to the general argument? Those who contend for the validity of this order must maintain that the commissioners would equally have had the power to issue it if the local board had existed only as a board for the management of the poor; and then they must have contended, that those could

destroy at pleasure who could only alter by consent.

I have carried this examination far enough to satisfy my own mind that this order is not warranted by the statute. I am not unaware of the forcible remarks to which the general words of the 39th section and perhaps of some other clauses may give rise, and I have come to a conclusion which goes to restrain those words very reluctantly. But the sum of the argument to which I have been obliged to yield is this; the clause itself appears, on reading it by itself, not to have been intended to apply to cases of parishes with existing boards; then I find that, to construe it as not having that application, makes it agree with a prevailing tendency in the other sections not to destroy existing boards or repeal local acts, but to make them subserve to the general policy of the act by putting them under the guidance of the commissioners, making its provisions in certain specified matters override those of the existing statutes, but in general adopting and harmonizing them. I further find, that to suppose the section intended to destroy such boards is to make it at variance with many sections which either provide for or directly contemplate their continuance; and I lastly find a provision with respect to their future elections and possible alterations by consent in the number and period of service of the members, which seems wholly inconsistent with the notion that the future existence of the boards was entirely at the discretion of the commissioners.

If the 39th section had contained the words "whether in such parish there be or not any existing board of guardians," or any equivalent words following the words "any single parish," no argument could have arisen, but I should have found it impossible to reconcile all the clauses as I now can; no such words are there, and I cannot conceive that they are omitted either inadvertently or with intent to give the commissioners covertly a power over a large number of parishes, and those the most populous and influential, which, if conferred in express terms, would undoubtedly have occasioned much question. Upon the whole, I am of opinion that this order must be quashed.

WILLIAMS, J.—I have the misfortune to

differ from the rest of the Court, and it is to me a matter of great satisfaction that the result will not be affected by that circumstance. The question before the Court is, whether the order of the Poor Law Commissioners, already referred to, can be sustained, and that depends upon the proper construction, as I think, of the 88th and 39th sections of the 4 & 5 Will. 4. c. 76 (particularly the latter), considered undoubtedly in connexion with other parts of the act. The general object of it certainly is, to bring the administration of relief to the poor throughout the country under the order and dispensation of the commissioners, and very large and extensive powers are unquestionably conferred upon them for that purpose.

The first fourteen sections of the act relate to the appointment of commissioners and assistant commissioners; and in the 16th section, the power alluded to is thus given—namely, “the administration of relief to the poor,” according to the existing laws, or such as shall be in force at the time being, shall be subject to the direction and controul of the said commissioners; and there are enumerated a variety of particulars, which are embraced in the above general description, including the power of making rules, orders, and regulations for the guidance and controul of all guardians, vestries, and parish officers. Now, this section, which is certainly one of the most important ones in the act, seems to me to have for its object only to give power to the commissioners over the actual management of the poor in each parish and district, and to have no reference to any *particular* description of managers, or to the mode of their appointment; and, accordingly, we see in the explanatory clause, section 109, that the word “guardian” means, throughout the act, any visitor, governor, or director; in short, any person actually intrusted with the management of the poor.

It seems to me important to bear in mind the precise object of this section; because the mode of election is made the subject of very particular and minute regulation. In the 40th section, the right of voting there prescribed differs so far as I am aware from any before in use in this country. I allude to the right of voting

conferred upon the owners of property, which, though not practised here, has, it is said, been long prevalent in an adjoining country. The 26th section empowers the commissioners to “declare so many parishes,” generally, without any exception, “as they may think fit, united for the administration of the laws for the relief of the poor.” And by sections 33 and 34, powers are given to the guardians of any union, with the consent of the commissioners, to make such union one parish for purposes of settlement and of rating; and by the 37th section, certain unions, without consent of the commissioners, are prohibited. Then come the 38th and 39th sections, upon which the question mainly turns. Before adverting to them, however, it is material, as it seems to me, to notice the general power of forming unions under the 26th section, because the unrestrained nature of it (as I understand its language,) seems to me to throw some light upon the 39th section, where the power of the commissioners is to be considered in the case of a single parish. Now, the 26th section runs thus:—“It shall be lawful for the said commissioners, by an order under their hands and seal,” and so on, “to declare so many parishes as they may think fit to be united for the administration of the poor, and such parishes shall thereupon be deemed an union for such purpose.” There is no exception, no restraint; and, accordingly, it seems to me, that the most obvious and manifest repugnancy, in other parts of the act, to the general meaning of this clause, should be pointed out before we are authorized to read it, as if after the word “parishes” had been introduced, “except such as are governed by a local act.” It seems to me, I confess, to include all parishes of every description. By the former section, that is, by the 38th, it is provided, that in all cases of unions under the 26th section, (the generality of which I have just noticed,) by the order or with the concurrence of the commissioners, a board of guardians of the poor shall be constituted and chosen; and the government of the workhouses and administration of the relief of the poor shall be under the controul of such guardians; and the said guardians shall be elected by the rate-payers and owners of property. Then follows the re-

gulations before alluded to as to the mode of voting, with limited powers to the commissioners as to the number of guardians, which number, however, they cannot reduce below one for each parish of the union.

It is necessary to advert thus much to the provisions of the 38th section; although the question arises immediately upon the 39th, because the former is in the most essential part directly incorporated in the latter. The clause in question is in the following words:—"And be it further enacted, that, if the said commissioners shall by any order, under their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, then such board shall be elected and constituted, and authorized and entitled to act for such single parish, in like manner in all respects as is hereinbefore enacted and provided, in respect to a board of guardians for united parishes." That is in such manner as by the preceding section, namely the 38th, is provided:—"Such board shall be elected and constituted, and authorized and entitled to act" in like manner as in the preceding section is provided.

The effect of the order in question is to reduce the number of persons from forty, the present number of directors under a local act governing the parish of St. Pancras, to twenty, and to introduce the new mode of election prescribed by the 40th section. The effect is not necessarily to produce any greater change. By the new mode of election, for anything that appears the twenty to be chosen may be out of the present forty directors; the change, therefore, would be only in the number of persons to whom the management is deputed. Whether those persons be twenty under the newly prescribed form of election, or the forty directors under the local act, it is, I think, unquestionable, that "rules, orders, and regulations" for their guidance and controul may be equally issued by the commissioners; and it is probable, to say no more, that the same rules would be issued whichever management may prevail. I notice this in passing, for the purpose of shewing that the question is probably not

quite of so much importance as has been attributed to it. The question itself, of course, remains the same, and it is as I at first stated it.

The language of the 39th section is certainly very large and general; and my Brother Coleridge, in his judgment, which I have just heard, states, without reserve, the generality of that section. There is no restriction expressed, (as I have already observed is the case with respect to what I consider the corresponding powers of forming unions under the 26th section); although it is obvious how easily and briefly such restriction might have been introduced to prohibit the interference of the commissioners in the case of a parish governed by a local act; where the words "single parish" are introduced, there is no such exception, nor any proviso to produce the same effect, fertile as the act is of provisions: some of them too, as was pointed out, in the course of the argument, by my Brother Patteson, of a novel and extraordinary description. In estimating the effect to be given to this general language unrestrained, as has been observed, it is impossible to overlook entirely the new mode of election introduced by this act, combined with a power of regulating the number to be elected. How far it may have been the policy of the legislature, by this provision, to extend to all parishes (however circumstanced,) the benefit of this plan, and what degree of importance was attached to it, I am not prepared to say. Certain, however, it is, that, in proportion as the power of the commissioners is extended, this mode of election, with the controul above mentioned, that is to say, as to the number, is extended likewise.

The 41st section was much relied upon against the order. From this it appears, that the commissioners may, in the case of guardians of a parish or an union, (existing at the time of passing the act,) *under this said act appointed*, by the consent of the same majority as is there mentioned, make alterations in the duration of the service of guardians, and *also* make such alterations in the number, mode of appointment, removal and period of service of the guardians, or any of them, of any parish or of any union now existing, or to be formed under the provisions of this act, as to the com-

missioners, with such consent, shall seem expedient." And the argument was, that it is strange, and seems inconsistent, that the commissioners should have power, by resorting to the measures which they are authorized to take under the 38th and 39th sections, at their own discretion, to require a new election of guardians under the new mode; whereas, by the section under consideration, they cannot make even alterations without the consent therein specified. It is to be observed, however, that the first branch of this 41st section speaks of guardians *appointed under this act*; and if so, it includes those appointed under the 38th section, over which appointment, though the *election* be by owners of property and rate-payers, the commissioners have a power as to the number and qualifications of the guardians. I cannot, therefore, see that it is necessarily inconsistent, or undertake to say that the legislature might not have meant, that the commissioners having once exercised their authority at the original election, as to the number of guardians, should not be allowed to disturb it, or again to interfere without the consent specified in this 41st section. The latter branch of this same section has the words "guardians of any parish or union now existing," without the addition of the words "appointed under this act:" and as they are omitted, and as the power of the commissioners is somewhat different from that conferred upon them in the earlier part of the section, I presume that these latter words must be understood to mean, any managers of the poor existing at the time of the passing of the act, the interpretation clause (as already observed) having so defined the meaning of the words "guardian;" still the commissioners need not interfere, and if they see nothing wrong in the actual management, it is, perhaps, difficult to discover any good reason why they should. Whether, in the present instance or any other, it may be wise or politic to do so, is quite another question, with which we have no concern. I am, however, by no means satisfied that the meaning of the legislature in this latter branch of the section now under consideration, may not have been, that if the commissioners so far testified their approbation of the existing authorities and management

in any given parish, as not to deem it necessary, either to throw it into an union under the 26th section, or (if the phrase may be allowed) to make it an *independent* union under the 39th, they should not be allowed to make any alterations at all, without the consent in this 41st section particularly specified. If the latter branch of the section be the same in construction as the first, then the observations made upon the former branch are applicable to the whole.

The 54th section was also brought under our notice, as being opposed to the validity of the order. It seems necessary, in order to form a proper estimate of the bearing of this section, to advert to the preceding, the 53rd; that repeals three distinct acts of parliament, viz. the 36 Geo. 3. c. 23, the 55 Geo. 3. c. 137, and the 39 Geo. 3. c. 12. By the first of these acts, the overseers under certain circumstances were allowed to give relief to poor persons at their own homes, and by all three a similar power was given under more or fewer restrictions to a Justice or Justices of the Peace. The object, of course, was to take away all those powers; and that being effected, the 54th section enacts, "that where there is any body intrusted with the management of the poor, whether guardians, select vestry, or however composed, the ordering of relief shall be vested in that body alone." There is a saving of the powers conferred upon the commissioners by the act, but, independently of this, the view and object of the section seems to me to be what I have mentioned, and not to bear upon the precise question of the power of the commissioners in this instance: whether the old board of directors in the parish of St. Pancras should remain, or whether there be an election under the new method prescribed by the act, this power, as contrasted with the overseers and Justices of the Peace, under the repealed statutes above mentioned, would, as it seems to me, be vested equally in either.

It was further urged in the argument, that the order cannot be sustained, because it directs a board to be constituted, of the description therein mentioned, whereas there is already a board existing; but taking the whole order together, it seems to me to appear sufficiently that the board

mentioned in the order is a board to be appointed under the new mode of election prescribed in the 40th section, which must differ in number from the existing one, and may differ also as to the persons of whom the more limited number is composed, according as twenty of the present persons may or may not be elected.

For these reasons, such as they are, and without my placing anything like implicit confidence in them, it seems to me that the express words of the 39th section, enjoining that where an order of the commissioners shall direct "that the laws for the relief of the poor of any single parish shall be governed by a board of guardians, then such board *shall* be elected and constituted, and authorized and entitled to act for such single parish, in like manner as in the 38th section is provided," are not so far varied or contradicted by any conflicting enactment, as to prevent their having the effect which, taken by themselves, as I think it seems to be admitted they import, and that, therefore, the order may be sustained.

PATTISON, J.—This is an application for a writ of *certiorari* to remove an order of the Poor Law Commissioners for England and Wales, into this court, under the 105th section of the 4 & 5 Will. 4. c. 76, and cause was shewn in the first instance: the 106th section of the same act empowering the Court forthwith to hear and determine the same.

The order bears date the 25th of April 1836, and is signed by the three commissioners, and under their seal, and by it they "order and declare, that the laws for the relief of the poor of the parish of St. Pancras shall, after the 11th day of May next, be administered by a board of guardians, consisting of twenty members, and that such board of guardians shall be elected and constituted according to the provisions of the Poor Law Amendment Act, and in manner thereafter set forth." The laws for the relief of the parish of St. Pancras were at that time administered by a board of directors, consisting of forty members, under a local act affecting that parish only.

The order in question was issued under the 39th section of the 4 & 5 Will. 4. c. 76. I will not read the section, which is rather

long, as it has been already read by one of my learned Brothers; but the language of this section, it may be observed, does not, in direct terms, give the commissioners power to order that the poor laws shall be administered by a board of guardians in a single parish; it only enacts, "that if they shall so order," the board shall be elected in the same manner as an union board. The power, however, seems to be necessarily implied.

The order is resisted upon the ground that this section was not intended to apply to a single parish governed by a local act, and having already a board of guardians or directors, which for this purpose is the same thing, but only to such single parishes as were under the ordinary government of overseers, and, as the commissioners might think, not proper to be joined with other parishes in an union. The Court is now called upon to construe this section, and is urged to decide, from the generality of the expressions used in it, that it applies to all parishes without any limitation, and that it necessarily gives an implied power to the Poor Law Commissioners to repeal at their will and pleasure all local acts, so far as they regard the administration of the poor laws: for that such would be the effect of the construction prayed for, is undeniable.

If the legislature intended to give so extensive a power to the commissioners, it might reasonably have been expected that it would have done so in express terms; and accordingly, in the 41st section of this very act of parliament, a power of altering a mode of election under local acts is given in express terms. Even without express terms, if the 39th section would be inoperative unless such construction were put upon it, the Court might be compelled to infer that such a power was implied. If, however, the section can be made fully effectual by a more limited construction, there can be no conclusive proof that the more extensive power was contemplated by the legislature; and if such limited construction should appear to be in accordance with the other sections of the act, the Court might possibly, if it were to decide in favour of the power claimed by the commissioners, give that which the legislature intentionally withheld.

One of the main objects of the act appears to me to be to provide for an uniform administration of the poor laws. With this view, the 15th section enacts, "that the administration of the poor laws, according to the existing laws, shall be subject to the direction and controul of the commissioners," and a general power is given to them to make rules for the guidance and controul of all guardians, vestries, and parish officers, in the management of the poor, the auditing of accounts, entering into contracts, and carrying the act into execution, the commissioners prescribing the method, but the guardians or other bodies performing the actual duty; and the 21st section expressly enacts, "That except where otherwise provided by this act, all powers given by any general or local act relating to the relief of the poor, shall be exercised by the persons authorized by law to exercise the same, under the controul and subject to the rules of the commissioners." Now, these sections point at the continuance of existing guardians and other officers, subject to the controul of the commissioners, while no express authority is given to them to dismiss any guardians, or to repeal the provisions of any local act, either by these or any other sections of the act.

The 26th section empowers them to unite parishes. It is in these general terms: "Be it further enacted, that it shall be lawful for the said commissioners, by order, under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed an union for such purpose. And thereupon the workhouse, or workhouses of such parishes, shall be for their common use." The words here are as general as can be well conceived; they give the power to the commissioners to unite parishes in direct terms, and would appear to apply to all parishes throughout the kingdom, containing no exception of parishes already united: and yet it must be read with such exception and limitation; for, by section 32, the commissioners are prohibited from dissolving or altering existing unions without the consent of two-thirds of the guardians. The generality of the words of

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any section in this act is not therefore conclusive as to the real meaning of that section, in which these general terms are used. By the 38th section, a board of guardians must be constituted for every union of parishes established under this act; but no mention is there made of any new board, in the cases of existing unions.

The 39th section follows next, on which this case mainly and entirely depends. The immediate object of that section, as it seems to me, is to enable the commissioners to cause the poor laws to be administered by a board of guardians in a single parish, without driving them to the necessity of uniting that parish with one or more others, for the purpose of having such a board. The legislature might well consider that some parishes are so large and populous, that the commissioners might judge it expedient that they should not be united with any other, and yet that the poor laws ought to be therein administered by a board of guardians. It is, however, contended, that under this section the commissioners have power, where a board of guardians under a local act already exists in a single parish, to supersede that board, so far as regards the administration of the poor laws, and to order a new board to be elected under this act. It is conceded, that the old board must, in most instances, remain, having other duties besides the administration of the poor laws, though no words are pointed out leading directly to any such conclusion.

The 40th section regulates the mode and scale of voting, giving owners, as well as occupiers, the right of voting, thereby introducing a new class of voters unheard of before, and also regulating the number of votes which each person shall have by the value of his property, which scale of voting appears to be a favourite object throughout this act.

The 41st section enacts, "That all elections of guardians, visitors, and other officers"—and, upon this section, I think a very material part of the question turns, as connected with the 39th,—"That all elections of guardians, visitors, and other officers, for the execution of any of the powers or purposes of the said recited act, 22 Geo. 3, intituled, 'An act for the better relief and employment of the poor,' or of

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any local act of parliament relating to poor-houses, workhouses, or the relief of the poor, or any acts to alter or amend the same respectively, shall hereafter, so far as the said commissioners shall direct, be made and conducted according to the provisions of this act; provided always, that it shall be lawful for the said commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and rate payers of any parish, or of any union now existing, or to be formed under the provisions of this act, to alter the period for which the guardians to be appointed under the provisions of this act, for such parish or union, or any of them, would, under the provisions of this act, hold office for such other period or periods, as to the said commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal and period of service of the guardians, or any of them, of any parish or of any union now existing, or to be formed under the provisions of this act, as to the said commissioners, with such consent as aforesaid, shall seem expedient." This section is not very intelligible; indeed, its concluding terms are contradictory to those in the earlier part of it; but this much appears to me clear, that an existing board of guardians of a parish under a local act may be continued;—that the mode of their election may be altered by the commissioners of their own authority, but their number, mode of appointment, removal, and period of service, cannot be altered, except by consent of a majority of owners and rate-payers; and the board will be under the controul and subject to the rules of the commissioners. It is not denied, that the commissioners may so continue an existing board; but it is said, that they are not obliged to do so by reason of the generality of the words of the 39th section; and that they have the option either to continue and modify the existing board under the 41st section, or to abolish it altogether under the 39th. Now, no such option is given to them as to existing unions, notwithstanding the general words of the 26th section; nor can I see anything in this act of parliament which leads me to the conclusion, that the inten-

tion of the legislature was to give them such an option as to single parishes, except the general words of the 39th section.

The 54th section, again, speaks of guardians under local acts exercising powers, but saves the power of the commissioners.

Upon the whole of this act, it appears to me that the legislature intended to make use of all existing boards of guardians or directors (for their appellation makes no difference), to subject them to the controul of the commissioners, and to alter the mode of their election at the discretion of the commissioners, but not to abolish any of them, nor to alter their number without the consent of the majority of the owners and rate-payers. It further intended to enable the commissioners to unite parishes, and constitute boards of guardians in single parishes not already having boards; but I cannot anywhere find any words authorizing the abolition of a board of guardians (except in the case of a dissolution of an existing union by consent), nor the taking away from an existing board of guardians any power they possess by law, or any part of their authority; on the contrary, I see a manifest intention, as I think, throughout to preserve existing boards, and no allusion to there being in any instance more than one board in a parish or union. The controul given to the commissioners is abundantly sufficient to secure uniformity of administration by existing bodies, regulated in their election by the provisions of this act. I am not prevented from giving effect to this, which I conceive to be the intention of the legislature by the generality of the words in the 39th section, because I find equally general words in another section, the 26th, which must of necessity have a limited construction. I have endeavoured, by a close examination of all the provisions of this act, to discover what the legislature really meant in the 39th section, and I believe that my interpretation of that section is according to their real meaning; but I feel diffident on the subject, on account of the different opinion which my Brother Williams entertains. If I am wrong, and if the legislature meant to give this large power to the commissioners, it is very easy for them to pass an act to that effect, which may be clear and unambiguous in its terms.

For these reasons, I am of opinion that the 39th section, although general in its terms, does not apply to parishes having already a board of guardians or directors under a local act; and that the order of the commissioners of April 1836 is illegal.

LORD DENMAN, C. J.—The question arises upon the 39th section of the late Poor Law Amendment Act, which follows a provision for enabling the commissioners to direct the rate-payers to proceed to the election of a board of guardians according to a new right of voting, a provision which applies where several parishes have been united with the consent of the commissioners.

The 39th section extends their power to single parishes. If the said commissioners shall, by any order under their hands and seal, direct that the administration of the laws for the relief of the poor of *any single parish* should be governed and administered by *a board of guardians*, then such board shall be elected and constituted for such single parish, in like manner as the previous section provides for an union.

The order is said to be illegal, because a board of guardians already existed in the parish of St. Pancras at the time it was issued. The parish was governed by a vestry appointed under a local act, and, having adopted the provisions of the General Vestry Act, is already in the situation in which the order seeks to place it. That which the commissioners are empowered to effect by their order, is done to their hands by two unrepealed acts of parliament. The generality of the enactment is said to be limited by its object. The argument is indeed charged with engrafting upon the act a qualification of its terms, confining them to such *single* parishes as are not governed by local acts, but on general principles of construction it is contended, that an act, which authorizes the commissioners to change parishes from their present state of things to a new, cannot give that authority in respect to one in which the present state of things is that described in the new. On the other hand, in addition to the very large words that occur in the act, it is urged, that the description of that board, which the commissioners have power, by the 38th clause, to introduce, is differently

constituted from the local board now acting for the parish of St. Pancras; and from the juxtaposition of the two clauses, an intention to confer precisely the same power by both clauses is inferred.

In this controversy, I am bound to aim at the just construction of this clause, and upon the whole, I think that construction is unfavourable to the present order, for it seems to me, that a restriction of the power to create boards to such parishes as have none is the natural, if not the necessary, import of the words employed. Suppose, for example, that this Court were invested with the same power, and issued a mandamus to make the election, I apprehend that it would be a good return to say, that when the writ was issued, there was a board of guardians within a local act; and, however strongly I may surmise the existence of the intention ascribed to the legislature, I do not see how it can be effected, without introducing words not to be found in the act; for it would then be necessary to add to those actually employed, simply “a board of guardians,” some expressions equivalent to “constituted in the manner prescribed by the 38th section.” Taking the bare words of the act, the purpose is already accomplished.

The clause, however, is by no means so clear and decisive, but that it might probably adjust itself to a general object of the act, pervading all its provisions, and manifestly present to the mind of the legislature, when the particular enactment was framed: and, here, uniformity in the management of the poor is said to be the leading object, the spirit and principle of the act, to which the letter of every part must be made subservient. In answer to this observation, I say, that large powers are conferred and certain means provided to accomplish this general purpose. The commissioners have a right to issue regulations and orders for the management of every parish, to interfere in all particular cases, and to be present at the meeting of every governing parochial assembly—great securities, no doubt, for one system of management. They are empowered to change the frame and constitution of the managing authorities in the unions mentioned in the 38th section, and in the single parishes introduced by the 39th section.

That clause may receive full operation in much more than half the single parishes in the country, though such as have local boards are not included in it; and such local boards composed of persons trusted by the parishioners at large, and improved by the act which passed under the name of Sir John Hobhouse, may have been so fully adequate to all the purposes of the act, as to be exempted from that power of alteration by the commissioners, which has been thought necessary in other cases.

We find, accordingly, several provisions for preserving the powers and constitution of existing bodies. The 41st section, indeed, authorizes a complete change by the commissioners in the mode of appointing and removing guardians, for the execution of any local act, and in their number and period of service; but this change cannot be wrought by the commissioners alone; it cannot be without consent of the majority of the owners of property and rate-payers of the parish. There, the argument against the present order appears to me very strong, for I cannot discover the necessity for this enactment, if the commissioners possessed the power already, to be exercised by the simple declaration of their will.

The preservation of existing authorities by the 54th section weighs less with me, because it is declared to be subject to and saving and excepting the powers granted to the commissioners, and leaves untouched the question as to the extent of their powers. Yet I think a local board would naturally feel extreme surprise at receiving such an order as that which we are discussing, when they had been told by the 54th section, that the giving, ordering, and directing relief to the poor, of any parish possessing a local board, shall appertain and belong exclusively to the guardians of the poor and select vestry, under their own *peculiar act*. There is a saving of the commissioners' powers, but that saving would strike any ordinary person as applying to their powers of regulation, controul, and interference, which otherwise might have been effected by the extensive words here employed. If, in the face of these words, it was intended to place the constitution of the board entirely at the disposal of the commissioners, I think the legislature would and ought to

have expressed that design in language open to no doubt or misconception.

Reference was made in the argument to numerous other clauses, many of which have some bearing upon this question; but none that is direct and decisive. They have been observed on by my two learned Brothers, with whose opinion I agree, and do not require a more detailed investigation from me. I cannot conclude without stating, that out of deference to my learned Brother, whose views do not coincide with ours, and from feelings of sincere respect to the commissioners, my Brothers Patten and Coleridge and myself have frequently considered the points involved in the case, and I should have been happy if the result of my opinion had been different. But I am bound to declare it as it is—namely, that the present order cannot be sustained in law.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF WALTHAMSTOW.

Poor Law—Settlement of Step-children
—4 & 5 Will. 4. c. 76.

Although a woman's legitimate children are, by the 4 & 5 Will. 4. c. 76. s. 57. made part of her second husband's family on her second marriage, they are not removable to the place of his settlement.

Upon an appeal against an order of removal, whereby William Hammond, Eliza his wife, and their lawful child named Mary Ann, aged three months, and three other children which the said Eliza had by her former husband, were removed from the parish of Walthamstow, in the county of Essex, to the parish of St. Leonard, Shoreditch, in the county of Middlesex, the Sessions confirmed the said order absolutely as to William Hammond, Eliza his wife, and Mary Ann their lawful child, but quashed such order as to the three other children of the said Eliza by her former husband, subject to the opinion of this Court on the following

CASE

The pauper, William Hammond, was married to Eliza his wife on the 28th of September 1834, and his settlement at that

time, and from thence up to and at the time of the above order of removal, was in the parish of St. Leonard, Shoreditch. At the time of the marriage of the pauper, his wife had by a former husband, who was not settled in either of the parishes, the three children named in the order of removal and of the ages therein stated, and all of whom were unemancipated. The question for the consideration of the Court was, whether, reference being had to the 4 & 5 Will. 4. c. 76. s. 57, the three children of Eliza Hammond by her former husband were removable to the parish of St. Leonard, Shoreditch, under the said order of removal.

Cripps, in support of the order of Sessions.—The children, in this case, were not removable from their settlement, which was that which they had acquired from their own father. It is said, that the second marriage of their mother has made some difference. But that is not so. The 4 & 5 Will. 4. c. 76. s. 57, indeed, makes the children of the first marriage part of the family of the second husband, but it does not affect the settlement of legitimate children. The 71st section expressly provides, that the settlement of bastard children shall follow that of their mother until sixteen. The difference of the provisions affords a strong argument in support of the decision of the Sessions. In *Lang v. Spicer* (1), the Court of Exchequer have expressed an opinion that the marriage of a woman suspends the order for maintenance of her bastard child so long as that marriage continues, or till sixteen, and afterwards the child's settlement revives.—[Here he was stopped by the Court.]

Ryland and Turner.—The question is not whether the children are settled in the parish of their step-father, but whether they are removable from his place of abode.

[*COLERIDGE, J.*—The order here adjudicates that they are settled in the appellant parish.]

The new act makes the step-children part of the family of the second husband; consequently, as they cannot by the policy of the poor-law be separated from his family, they are irremovable, and must remain in the parish where he abides until they arrive at sixteen. Then, indeed, they may be removed, if necessary, to their own

birth settlement. The difference in the language of the two sections arises from the circumstance that the illegitimate child did not take the mother's settlement, and therefore it is now provided that it shall, and then the legitimate and illegitimate children will fall under the same provision. The inconvenience, if there be any, resulting from the adjudication of the settlement of the children in the parish of the step-father, may be obviated by a special entry on the record of the Sessions.

LORD DENMAN, C. J.—I think that the Justices here had not power to remove the children, unless they must be considered as settled in the step-father's parish by the mere circumstance of his marriage with their mother. I do not think that they can be considered to be so settled. The argument is, that, till they are emancipated, which, for such a purpose, is till they arrive at sixteen years of age, they must go with the father. That is not the case with the children of a married woman, according to the terms of the provision in the 57th section of the statute. The Justices have no right to remove them, unless such settlement is clear; for, by so doing, they will affect the after-rights and liabilities of another parish.

WILLIAMS, J.—I am of the same opinion. In the 71st section there is an express provision that the illegitimate child shall follow the settlement of the mother. There is no such provision in the 57th section. We cannot, by inference merely, give to the latter section the effect which is given to the former by express words.

COLERIDGE, J.—We are called upon to say, that the children of a woman, married or unmarried, must, until sixteen years of age, if she should marry again, lose their birth settlement. The words of the 57th section do not necessarily import that such is the case. It may be so by inference, but the provisions of the act are not such as force me to make that inference, and I see great inconvenience in so holding. The novelty in the last act is the making of the husband take on himself the expense of maintaining the children by the simple act of marrying the mother. For this purpose, her children are to be considered part of his family. In the 71st section, the legislature, referring to a similar subject-matter,

(1) 1 M. & W. 129; a. c. 5 Law J. Rep. (N.S.) M.C. 60.

has distinctly declared, that the children shall, till sixteen, have and follow the settlement of the mother. There are no such words in the 57th section. I am of opinion, therefore, that the Justices had no power to remove these children.

Order of Sessions confirmed.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF WITHERNWICK.

Order of Removal—Notice of Appeal.

An order of removal of a man, his wife and children, which omitted to state the names and ages of his children, was appealed from, but the statement of the ground of appeal did not contain any objection to the order on account of that omission:—Held, that the Sessions could not entertain it, and that this Court could not quash the order as a nullity when brought up by certiorari on a case granted by the Sessions.

At the Easter Sessions, 1835, for the East Riding of Yorkshire, the township of West Newton appealed against an order of two Magistrates removing William Top-lady, Ann his wife, and their four children, from the township of Withernwick to the township of West Newton. The notice of the grounds of appeal did not state any objection to the order on account of the omission of the names and ages of the children:—but, at the trial, the appellants objected that the order was bad, as regarded the children, because neither their names nor ages were stated. The Sessions held the objection valid, but confirmed the order as to the pauper and his wife, and quashed it as to the four children, subject to the opinion of this Court as to whether it was open to the appellants to make the objection, it not having been set out in the notice of the grounds of appeal. The case sent up contained other points, but they were not referred to by the Court.

R. C. Hildyard, in support of the order of Sessions.—The Sessions were right. The order in question was a nullity.

[*COLERIDGE, J.*—If this objection had been pointed out in the notice of appeal, the respondents might have abandoned the order.]

The want of notice makes no difference. This is a defect apparent on the face of the order. The notice, which is required by the 4 & 5 Will. 4. c. 76. s. 81, must inform the respondent parish of the grounds upon which the appellants appeal, and must let them know the answer which the latter have to the order of removal. It cannot apply to a defect which the respondents themselves must be aware of. The respondents come to enforce an order; they must know what the law requires, and are bound to produce a perfect order. The want of the names of the children is a fatal defect. Then this is not a defect which can be amended under the 5 Geo. 2. c. 19. The construction, which has been given to that act is, that the Sessions may amend defects of form, but cannot interfere where the order is void; and as the order is now brought up by *certiorari*, this Court will quash it.

N. R. Clarke, *contra*.—It is assumed that this order was a nullity, and will be quashed by this Court; but that is not admitted. The order is sufficiently certain. Be that, however, as it may, the objection was not open to the appellants, as their notice of appeal did not contain it. *The King v. Bromyard* (1) is precisely in point.

LORD DENMAN, C.J.—There is no doubt in this case. The words of the 81st section are, "Provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of this appeal, to go into or give evidence of any other grounds of removal or of appeal than those set forth in such respective order, examination, or statement as aforesaid." Now, we ought not to introduce distinctions which would prevent the clear application of clear words. We need not, therefore, inquire whether this was a formal or a substantial defect.

WILLIAMS, J.—There is no decision which shews that this clause is to be confined to matters of evidence only; and not being fettered, we may give a large and ample construction to it. All the objections, therefore, must be in the notice. The objection here was not.

COLERIDGE, J.—It would be a ground of complaint if this Court were to raise

(1) 8 B. & C. 240; s. c. 6 Law J. Rep. M.C. 100.

nice distinctions on this act. It is a new act, and plain expressions ought to have a plain interpretation. It is said, that the section [which his Lordship here read] does not apply to defects on the face of the order, that the party is bound to know the law, and the defects of the order, which he has in his own hands: that is true, but he may think that the other party will not rely on an objection which is not in their notice, and therefore may go to the Sessions unprepared. Then it is said, that this Court is bound to quash a defective order when brought up by *certiorari*. That may be so; but I say that there is not a defect on the face of the order. The defect must be shewn by evidence; for I am not prepared to say that the order is bad, because the names and ages of the children are not stated. They may not be known to the Justices, or they may be illegitimate, and may not have acquired a name even by reputation. All these surmises may be made.

Rule, for quashing the order of Sessions, absolute.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF STOKE DAMEREL.

Settlement,—by Payment of Parochial Rates.

The settlement by parochial rates remains untouched by the 1 Will. 4. c. 18. Therefore, where a pauper rented a house at 16l. a year, but underlet a part, so that he could not gain a settlement by renting a tenement, in consequence of the 1 Will. 4. c. 18, yet, as he was rated for, and paid the parochial rates for the house, it was held, that he thereby gained a settlement.

This was an appeal against an order of two Magistrates of the county of Devon, for the removal of Thomas Pearce, labourer, and Elizabeth his wife, from the parish of Stoke Damerel, in the county of Devon, to the parish of Plymton Maurice, in the same county. The order was quashed, subject to the following

CASE.

It was admitted by the parties, that the pauper, Thomas Pearce, had gained a settlement in Plymton Maurice; that subsequently to having gained such a settlement,

and also subsequently to the passing of the statute 1 Will. 4. c. 18, the pauper, Thomas Pearce, rented a house in Stoke Damerel, at a rent of 16l. a year, paid his year's rent, was rated for the house to the parochial rates, and had paid such rates, but that during the whole of such tenancy the pauper, Thomas Pearce, had underlet a portion of such house, of the value of 4l. a year, to one Knopman.

It was contended by the appellants, that though the pauper was prevented by the statute 1 Will. 4. c. 18. from gaining a settlement in Stoke Damerel by such renting, he, the pauper, having underlet, and therefore not having occupied the house as required by such statute, yet still he had gained a settlement in Stoke Damerel by such payment of parochial rates. The question for the opinion of the Court was, whether the pauper, Thomas Pearce, did gain a settlement in Stoke Damerel by such payment of rates. If he did, he was improperly removed to Plymton Maurice; if he did not, he was properly removed.

J. Greenwood, in support of the order of Sessions.—Under the 3 W. & M. c. 11. s. 6, a settlement is gained by payment of the parochial rates and assessments, and that still continues a head of the law of settlement. The case shews, that the pauper had complied with the requisites of that statute. The statute 35 Geo. 3. c. 101. only took away all question as to settlement by payment of rates, where the premises were not of the annual value of 10l. The dicta of Lord Kenyon in *The King v. Islington* (1), and of Lord Ellenborough in *The King v. Penryn* (2), seem to have raised a doubt, whether this kind of settlement was not wholly abrogated; but the contrary was determined in *The King v. St. Pancras* (3), and *The King v. Penryn* (4). It was, however, supposed, that the 6 Geo. 4. c. 57. had repealed it, because it was necessary to prove the renting of a tenement of the amount of 10l. But in *The King v. Great Wakering* (5), it was admitted to be an existing mode of settlement; and the 1 & 2 Will. 4. c. 44. s. 5. provides

(1) 1 East, 283.

(2) 5 Mau. & Selw. 443.

(3) 2 B. & C. 123.

(4) 4 B. & Ad. 224; s. c. 2 Law J. Rep. (N.S.) M.C. 14.

(5) 5 B. & Ad. 971.

expressly, that no poor inhabitant who takes land under that act shall gain a settlement by reason of his paying parochial taxes for such land. But the 1 Will. 4. c. 18. is supposed to decide this case. That act, however, was passed to correct certain decisions upon the 6 Geo. 4. c. 57, as to the power of the tenant's underletting the premises, and as to the necessity of his paying the entire year's rent, and the Court have put a strict construction upon its language. They will not go out of it, and when they find that there is no provision regarding the payment of rates, they will not extend it. If it is true, that no settlement is here gained by renting the tenement, the party is within the case of *The King v. Ditchet* (6), and has paid the rates according to the requisites of the 6 Geo. 4. c. 57.

Crowder, contra.—The 1 Will. 4. c. 18. requires the actual occupation by the party hiring the tenement to confer a settlement; and it is clear, that the intention of the legislature was to substitute another definition of a tenement for that which was contained in the 6 Geo. 4. c. 57, and no other alteration was intended. The Court will give such a construction to the act as will effectuate that intention. Both acts must be read together, and then the meaning will be, that to gain a settlement, the pauper must be rated for such a tenement as will, by his occupation thereof, give him a settlement, that is, a house which he occupies actually and entirely.

[*COLERIDGE*, J.—Enough has not been done here to satisfy the 1 Will. 4. c. 18. Then the stat. 3 W. & M. c. 11. gave the settlement by payment of parochial rates; the 6 Geo. 4. c. 57. takes it away, unless the party also performs certain other acts. If he do perform them, can you say, that the former settlement is at an end?]

The conditions required to be performed are such as to create a new species of settlement, and in effect repeal the former.

LORD DENMAN, C.J.—I believe that the legislature in the last act, meant to get rid of settlements by rating, as Lord Ellenborough said it did by the act of the 35 Geo. 3. c. 101; but that intention was not well effected, and that mode of settle-

ment was revived some years afterwards. Previously, therefore, to the passing of the 6 Geo. 4. c. 57. any person might have gained a settlement by the payment of rates. In that act, however, the legislature said, that he should not gain such settlement unless he was a tenant of a certain description. Then, in consequence of some decisions of this Court, came the 1 Will. 4. c. 18, which declares, that he shall be prevented from gaining a settlement unless he is a tenant of a certain other description. How can we say, that the legislature has effected this intention of getting rid altogether of settlement by payment of rates? There are many reasons why the legislature should not intend it, for the payment of rates is a mode of settlement most easily susceptible of proof, and least liable to dispute; but believing, as I do, that such was, in fact, the intention of the legislature, still I cannot say, that the effectual means of accomplishing that intention have been adopted. I think, therefore, that for this purpose, we must say, that settlement by payment of rates continues, notwithstanding the 1 Will. 4. c. 18.

WILLIAMS, J.—I am of the same opinion. There is no repeal of this mode of settlement. *Nominatim* settlements, by renting and rating, have both been recited in the statute. One is left untouched, the other is distinctly provided for.

COLERIDGE, J.—The order of Sessions is perfectly right. The language in the 35 Geo. 3. was quite as strong as it is here, yet it was held that this head of settlement was not destroyed by that statute. It was, indeed, contended in *The King v. Penryn*, that as a renting of 10*l.* per annum would give a settlement without rating, the head of settlement by rating was abolished. The argument was unsuccessful in that case, and is so here. If we were to adopt the argument in this case, and declare settlement by rating abolished, we should be making ourselves the legislature, for the act has recited both grievances, and yet left one of them untouched.

Order of Sessions confirmed (7).

(7) See Gambier's 'Treatise on Parochial Settlements,' 2nd edition, by Greenwood, p. 168, n. (p), wherein it is mentioned that the magistrates at the Devon Sessions, upon two previous occasions had decided in conformity with this judgment. The Middlesex magistrates had come to an opposite decision.

(6) 9 B. & C. 176; s. c. 7 Law J. Rep. M.C. 110.

1837. } THE KING v. THE INHABITANTS
Jan. 12. } OF SANDHURST.

Settlement, by Apprenticeship — Service with Second Master.

Where an apprentice serves a second master, with the express consent of his first master, under such circumstances as show that the service is in furtherance of the covenants of the indenture, he will gain a settlement by such service, though the second master does not know that he is an apprentice.

Upon appeal against an order, by which Benjamin Roberson, his wife and four children, were removed from the parish of Battel, in the county of Sussex, to the parish of Sandhurst, in the county of Kent, the Sessions confirmed the order, subject to the opinion of this Court upon the following

CASE.

The pauper, Benjamin Roberson, was born the 10th of November 1805, and being settled in Sandhurst, in the county of Kent, was in the year 1816, put apprentice by his father, Richard Roberson, to his brother George Roberson, in Sandhurst, to learn the trade of a cordwainer. No indentures were then executed; but by indentures of apprenticeship, bearing date the 23rd day of December 1818, to which Richard Roberson, the father of the pauper, Benjamin Roberson, the pauper, and George Roberson his brother, were parties, the pauper was, with the consent of his father, bound apprentice to George Roberson, who resided at Sandhurst aforesaid, to learn his art, and with him after the manner of an apprentice, to serve until the end of seven years, to be computed from the 10th day of November 1816, (when Benjamin first entered into the service of George, and from whence he had faithfully served him). By the same indentures, George Roberson covenanted with Richard Roberson, the father, that he, George, would teach and instruct, or cause to be taught and instructed, his said apprentice in the art of a cordwainer, and would find him meat, drink, and lodging, during the term of his apprenticeship; and the father, Richard Roberson, covenanted to provide fit and proper clothes and medical aid for him during the same period. When the pauper had been with his master almost five years in all, the mas-

ter being short of work, it was agreed between the father, master and pauper, that the latter should endeavour to get work at Mr. Thorpe's, at Battel, as they had heard that he took apprentices; but it was agreed, that the indentures should not be given up. In consequence of this arrangement, the pauper's brother, Richard Roberson the younger, who was also a cordwainer, and resided at Sandhurst, accompanied pauper to Battel, and applied to Mr. Thorpe to know if he could take him into his employ. Richard told Thorpe that the pauper had worked at the trade of a shoe-maker for some considerable time, and that his brother, for whom he had been at work, had not sufficient employment for him; but he did not tell him that the pauper was an apprentice, and Thorpe did not, at any time during his service, know that he was an apprentice. Thorpe told Richard, that his brother might come for a month on trial, and if he suited, he would take him for two years. Thorpe was to have 5*l.* with him, and to board and lodge him, and teach him his trade. Richard Roberson the younger returned to Sandhurst, and informed his father and brother George what had taken place, and his father agreed to pay the 5*l.* if the pauper suited; and George, the master, agreed that the pauper should go to Thorpe's. The pauper went accordingly to Thorpe's, at Battel, and having stayed the month, took a note from Mr. Thorpe to his father, to say that he might remain on the terms agreed on; and the father thereupon sent the 5*l.* by the pauper, who continued with Thorpe at Battel, receiving board, lodging, and instructions from him, in the art of a shoe-maker, according to his agreement, until the expiration of the two years, which took place in July 1823. The indentures were retained by the master, George Roberson, until a few months before the expiration of the two years, when George, the master, met the pauper at their father's house, and George then told the pauper he was his apprentice, and that he could claim him after he had left Mr. Thorpe's; for that, he would leave Thorpe in July, and that his time would not be up till November. The pauper said, "that he did not think it would be right for him to do so," and George then agreed to give the pauper out of his time. The following

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memorandum was indorsed on the indentures of apprenticeship which were then given up: "George Roberson, the master of Benjamin Roberson, his apprentice, do by consent of his father, give him out of his time, this 5th day of April 1823, on account of not having employment for him." This memorandum was signed by George Roberson the master, Richard Roberson the father, and the pauper. In 1834, the pauper became chargeable to the parish of Battel, and was removed with his family from thence to Sandhurst, and against this order of removal Sandhurst appealed. Upon the above facts, the Court of Quarter Sessions handed down to the clerk of the peace the following memorandum:—"The Court are of opinion, that the service in Battel was not in pursuance of the indentures of apprenticeship entered into by the pauper with his brother, but that the pauper continued settled by his prior service in the parish of Sandhurst;" and, therefore, adjudged that the said order be confirmed, subject to a case for the Court of King's Bench, and directed the conclusion as above stated to be inserted in the case.

Thesiger and *W. H. Watson*, in support of the order of Sessions.—The contract with Thorpe was in this case, in fact, a defective contract of apprenticeship; and, therefore, according to *The King v. Cristowe* (1), and *The King v. Ecclesfield* (2), no settlement can be gained by service under it.

[*WILLIAMS, J.*—That point was not raised at the sessions.]

Then the service with the second master cannot be available as a service under the original indenture; because Thorpe, the second master, did not know of the existence of that indenture, or that the pauper was an apprentice. It has not been expressly decided, that such knowledge is absolutely necessary; but it is to be inferred from various cases, which have been decided upon the point of service with the second master, that such knowledge was requisite. In all the cases except in *The King v. the Holy Trinity in the Minories*, (3), it is found as a fact, that there was such knowledge on the part of the second

master—*The King v. Bradninch* (4), *The King v. Bradstone* (5), and *The King v. Shebbear* (6). There, the settlement was held to have been gained by the service with the second master; but there are other cases, where the settlement has not been gained, in which it appeared that the second master was not aware of the existence of the previous apprenticeship. In several of those cases, the Court point out the want of knowledge in the second master of this fact, and rely upon it as an objection to the settlement—*The King v. Ashby-de-la-Zouch* (7), per Bayley, J., *The King v. Whitchurch* (8), and lastly in *The King v. Banbury* (9); where Lord Denman stated, that on the facts of the case, it must be taken, that the second master knew of the apprenticeship; and Parke, J. differed from the rest of the Court, expressly saying in his judgment, "that it did not appear that the second master did not know that he was an apprentice." Littleale, J., indeed, said, "that such knowledge was not material;" but he was not supported by the rest of the Court. The case of *The King v. the Holy Trinity in the Minories*, will be cited on the other side, where it is not expressly found in the case, that the second master was acquainted with the fact of the previous apprenticeship; but, from the circumstances of the case, such knowledge might be inferred. The point, however, was not taken or discussed. It seems most reasonable to hold, that a party not being *sui juris* in fact, cannot gain a settlement by any relation which he contracts with another person to whom he has not communicated, and who has no knowledge of, his situation. As to this being a service under the indenture, *The King v. Shipton* (10) is decisive to shew, that it was, in truth, a service under the contract of hiring.

Darby and *G. F. Jones*, contra.—The principle upon which these questions are decided is, that there must an inhabitancy in the parish under and in consequence of the contract of apprenticeship. Now, in this

(4) 2 Bott, 418.

(5) Ibid. 422.

(6) 1 East, 73.

(7) 1 B. & Ald. 116.

(8) 1 B. & C. 574.

(9) 5 B. & Ad. 176; s. c. 2 Law J. Rep. (N.S.) M.C. 66.

(10) 8 B. & C. 89; s. c. 6 Law J. Rep. M.C. 92.

(1) 11 East, 93.

(2) 6 Mau. & Selw. 173.

(3) 3 Term Rep. 605.

case, there is abundant evidence to shew, that the inhabitancy of the pauper in Battel was strictly in furtherance of the covenants in the indenture. He went to be taught his trade by Thorpe, because his own master had no work for him to do. *The King v. Banbury*, which has been cited on the other side, is strong in support of the settlement in this respect. Then, it is immaterial, whether the second master knew of the prior indenture or not. That knowledge cannot make the inhabitancy more or less referable to the indenture. The want of it would be no answer in an action on the master's covenant to teach; nor, if a proceeding had been brought against a party under the old law for trading, without having served an apprenticeship, could it have been supported by evidence that the second master did not know of the indenture. The knowledge of the second master may become material, when it is doubtful, whether there was a service with the consent of the first master, or whether the service was or was not referable to the indenture: and that is the explanation to be given of the dicta in the cases referred to. It will be found that there is no authority which requires, absolutely, that the second master should have this knowledge, to complete the settlement. In *The King v. Ashby-de-la-Zouch*, it was found that no particular agreement was given to the service with the second master; and so in *The King v. Austrey* (11). In *The King v. the Holy Trinity in the Minories*, there is no knowledge stated; and though it is argued on the other side, that that is to be presumed, yet, if there be any validity in that argument, the want of knowledge ought to have been specifically found. That case is cited by Patteson, J., in *The King v. Banbury*, as an authority, that knowledge in the second master is not requisite. In *The King v. Offerton* (12), the Court in their judgment say, "It is probable that the tradesman with whom he worked knew that he was an apprentice;" but it is clear, that they did not consider that his ignorance of that fact would have been material, otherwise they would have sent it back to the Sessions to have it found. Then, *The King v. Banbury* has been cited; but this point was not decided there, for the want of knowledge was

only referred to as affording an inference, that the service was not referable to the indenture.

[COLERIDGE, J.—But that case recognizes the importance of this fact.]

Cur. adv. vult.

On this day, the judgment of the Court was delivered by—

LORD DENMAN, C.J.—The question in this case is, whether the pauper having been regularly bound an apprentice to his brother in the parish of Sandhurst, and having served him there, has gained a settlement by subsequently serving a second master in the parish of Battel, during the period of apprenticeship. In this case, the first master expressly consented to the particular service with the second; and that service was on the express oral contract, that the second master was to board and lodge the pauper, and to teach him his trade, being the same trade as the first master carried on. It was so far in furtherance of the indenture—namely, the maintenance and teaching of the apprentice were provided for. It was also expressly agreed between the first master and the pauper and his father, that the indenture should not be given up; neither was it, in point of fact, given up until long after the pauper had served the second master for forty days. It is, therefore, perfectly clear, according to the decided cases, that as between the first master and the pauper, the service to the second master was under the indenture, the relation of master and apprentice still subsisting between them, and the covenants in the indenture being performed on both sides, by the teaching and maintaining, and the service with the second master. But it is found in terms, that the second master did not at any time during the service know that the pauper was an apprentice; and the only point in the case is, whether it is material that the second master should know that fact. Upon examination of the older cases upon this subject, it will be found, that in some of them the second master did know the fact; in others, it may be doubtful whether he did or did not; but in none of them is such knowledge expressly negatived. No point is, however, made in any of them upon the knowledge or ignorance of the second master, until the case of *The King v. Ashby-de-*

(11) Burr. S.C. 441.

(12) Burr. S.C. 802.

la-Zouch, followed up by *The King v. Whitchurch*, but neither of those cases turn upon the point, inasmuch as, in the former, the Sessions negatived the consent of the first master to the particular service, which is clearly necessary; and in the latter, such consent was plainly never given. In the subsequent case of *The King v. Banbury*, it seemed doubtful whether the second master knew the fact, and the Court differed in opinion, both as to the fact of knowledge and its materiality. It can hardly be said upon these authorities, that there is any clear and express decision upon the point. The question arises upon the statute 3 W. & M. c. 11, s. 8, which enacts "that if any person shall be bound an apprentice by indenture, and inhabit in any parish, such binding and inhabitation shall be adjudged a good settlement." The word "service" is not mentioned in the statute, but "binding" and "inhabitation," as was observed in *The King v. Linkinherne* (13) and other cases. The true construction to be collected from the cases appears to be, that it will be sufficient if the residence be in pursuance of the contract of apprenticeship, and in some way or other in furtherance of the object of the apprenticeship. Here, the residence was in furtherance of the object of the apprenticeship—viz. *maintenance and teaching*; it was in pursuance of the contract, for the first master, having no employment, consented to the service with the second, that by this means he might perform his contract; for having been partially taught by the first master, he is permitted to go to the second to have his education completed under the indenture. Of what consequence, then, can it be, whether the second master knew that the pauper was an apprentice? What difference could such knowledge have made in the situation or relation of the parties? None whatever. It could not have created the relation of master and apprentice between the second master and the pauper; such relation could only be created by a regular assignment of the indenture. Even supposing for the purpose of the argument, that such would be the effect of an assignment of any other than a parish apprentice, or by cancellation of it, and a new binding by an-

other, it never subsisted, nor was it intended to subsist, between the second master and the pauper, but continued uninterrupted between the latter and the first master. The dicta, indeed, of the learned Judges in the cases of *The King v. Ashby-de-la-Zouch* and *The King v. Whitchurch*, seem to lead to the conclusion, that they thought that the relation of master and apprentice must subsist between the second master and the pauper; for they say, how could he be serving as an apprentice, when it was not even known that he was an apprentice? But if the point had been necessary to the determination of those cases, we cannot doubt that they would have seen, that, in the absence of a regular assignment, the actual relation of master and apprentice could not be created, and that knowledge of the fact of the binding would in no way constitute such relation. The expression *serving as an apprentice*, if it be understood with reference to the object of the apprenticeship—namely, the being taught, and as distinguished from serving generally without such object, is quite correct; and it is obvious, that, in such sense, the pauper in this case, under the oral contract for teaching, was serving as an apprentice; but it is equally obvious, that this did not in any respect depend on his master's knowing that he was an apprentice, but upon the nature of the contract which he made. The second master is in some manner substituted for the first master, inasmuch as the first consents that the apprentice shall learn from the second that which he has himself covenanted to teach; yet the second master need not be bound by the same engagements as the first; for if he need, then no service to a second master could be sufficient, except by a regular transfer of the contract—that is, the indenture; to hold which, would be contrary to all the decisions as to service with a second by consent of the first. It may be observed, that in *The King v. Banbury*, my Brother Parke gave only this effect to the decision, in *The King v. Ashby-de-la-Zouch*, and *The King v. Whitchurch*—that the second master's ignorance of the apprenticeship furnished strong evidence that the second service was unconnected with any apprenticeship. Possibly what is said in those two cases, as to the knowledge of the second master, may be supported on that ground; we think it

(13) 3 B & Ad. 415; s. c. 1 Law J. Rep. (N.S.) M.C. 42.

cannot, as establishing the doctrine now brought into question: as to which doctrine the further remark is to be made, that my Brother Littledale considering the precise question on principle in *The King v. Banbury*, declared a distinct opinion, that the second master's knowledge of the apprenticeship is not necessary. Upon the whole, we are of opinion, that the question in all such cases is, whether the service to the second master is a constructive service to the first master, under the indenture as between him and the apprentice; and that to the solution of that question, it is wholly immaterial whether the second master knew of the apprenticeship or not.

The order of Sessions must be quashed.

1836. } THE KING v. THE OVERSEERS
Nov. 23. } OF WESTON.

Overseer—Production and Inspection of Documents.

The Court refused, at the instance of the overseers of one parish, to compel the overseers of another parish to produce an indenture of apprenticeship to the Commissioners of Stamps, in order to have an assignment indorsed thereon stamped, to enable it to be produced in evidence on a trial as to the settlement of the apprentice.

A rule nisi had been obtained for a rule to the defendants to produce an indenture of apprenticeship, with an assignment upon it, to the Commissioners of Stamps, in order that they might affix a stamp upon the assignment, which was required to be given in evidence on a question of settlement.

Bliss now shewed cause.—This is a new and unprecedented attempt. This instrument is not in the possession of the defendants as trustees; the applicants are not actual parties to the instrument, and are not parties in interest in the deed, and no cause or suit is, in fact, depending. The Court will not, under these circumstances, compel the defendants to afford evidence to their adversaries. He cited *The King v. the Bishop of Ely* (1), *The Mayor of Southampton v. Greaves* (2), *Cox v. Cop-*

ping (3), *The King v. Smallpiece* (4), *Hodges v. Atkis* (5), *Ratcliffe v. Bleasby* (6), *Lawrence v. Hooker* (7), and *Cox v. Nash* (8). The interest which a party must have in the instrument, must be that of title, and not merely evidence. Now it is not shewn that the applicants, who are the overseers of a parish disputing the settlement of the apprentice, are parties to the indenture, or that the legislature have made this a public document. Even if produced, it may admit of a question whether this document can be rendered available by being now stamped—*The King v. Chipping Norton* (9).

Cresswell, contra.—If the overseers have a right to retain this document, and the Court cannot interfere, a great injury will be inflicted, and no other remedy than the present exists. It is said, that the Court will not grant an inspection of documents, unless some suit is pending; and it is said that the application must be made between parties to the document; but the case of *The King v. the Bishop of Ely* proves the contrary of both propositions. Then, it is contended, that the party must hold it as a trustee. It is, in fact, so held. The defendants have this indenture as a document, which is required for public purposes, namely, to establish the settlement of a pauper. That is a public question, and can only be properly determined by the production of this assignment. The defendants, therefore, hold it as trustees for the public. The instances referred to in which the inspection has been refused are, where the title deeds of a party have been called for; and the principle appears to be this, that where the Court would not compel a witness to produce a deed on a subpoena, because it is part of his title, they will not grant a rule for an inspection. Here the defendants have not possession of this deed as a title deed.

Per Curiam.—This is not a public document, nor is the question of settlement one of a public right. No ground is shewn for the production. The rule must be
Discharged.

(3) 5 Mod. 396; s. c. Lord Raym. 337.

(4) 2 Chit. Rep. 288.

(5) 3 Wils. 398.

(6) 3 Bing. 148; s. c. 3 Law J. Rep. C.P. 308.

(7) 5 Bing. 6; s. c. 6 Law J. Rep. C.P. 193.

(8) 9 Bing. 723; s. c. 2 Law J. Rep. (n.s.) C.P. 129.

(9) 5 B. & Ald. 412.

(1) 8 B. & C. 112; s. c. as *Finch v. the Bishop of Ely*, 6 Law J. Rep. K.B. 223.

(2) 8 Term Rep. 590.

1837. }
Jan. 30. } THE KING v. WM. PAYNE, ESQ.

County Rate—County Treasurer—Mandamus.

A treasurer of a county entered his accounts in a book, which he laid before the Justices at the Sessions, and they audited those accounts, checking them with the bills, orders, and vouchers, which he also produced to them at the same time, and giving him a discharge in that book. They returned this book to him, and deposited the vouchers, &c. with the clerk of the peace:—Held, that that book was the account of the treasurer, which, according to the 12 Geo. 3. c. 21. s. 8, ought to have been deposited with the clerk of the peace, and that a mandamus might issue to the treasurer to compel him so to deposit it.

Semhle—that the Sessions could not compel the treasurer to return the book to them.

A rule nisi had been obtained for a mandamus directed to Wm. Payne, treasurer of the county of Berks, commanding him to deposit with the clerk of the peace the two books containing his true and exact accounts of the sums of money received and paid by him as treasurer, and which had been passed by the Justices of the Sessions for the said county; and it appeared by the affidavits, that Mr. Payne had been treasurer of that county from the year 1822, when he succeeded his father upon his death, and during all that time, until the year 1835, it appeared that he had kept his accounts of the county receipts and expenditure in two books, the first of which also contained a part of his father's accounts. At the sessions, from time to time, Mr. Payne produced these books, in which the balances were entered, and the accounts; at the same time he produced the vouchers, orders, tradesmen's bills, &c., which verified his accounts. The Justices examined these accounts with the vouchers, and passed them, the fresh balance being struck, and a discharge and release was given to Mr. Payne in his own books, which were handed back to him, and were afterwards kept by him. The bills and vouchers were all delivered over to the clerk of the peace, and deposited by him among the records of the county. In 1835, an alteration was made, and dupli-

cate books were prepared and audited, one of which was retained by Mr. Payne, and the other the Justices delivered over to the clerk of the peace. Application had been made by two county Justices to the Sessions, on several occasions, to compel Mr. Payne to deliver up those accounts, or else to have a further investigation of them. But the Sessions expressed themselves perfectly satisfied with them, and refused to interfere. Upon these facts,

Talfourd, Serj., Thesiger, and Ellis, who now shewed cause, contended, that the mandamus ought not to issue. It was moved for on the 12 Geo. 3. c. 29. ss. 7, 8, which requires that the county treasurer shall keep books of entries of all his accounts, and deliver in exact accounts, on oath, to the Sessions, and that his accounts and vouchers shall be deposited with the clerk of the peace. The answers urged against the mandamus are, first, that the mandamus ought not to issue in this case, because the treasurer is but the servant of the Justices, and is bound to obey their orders; consequently, it is for them to order him to deposit those books with the clerk of the peace, and if he refuse to obey their order, he may be punished by an indictment. That is a specific remedy, applicable to this case; and there is no necessity for this Court to interfere by mandamus — *The King v. Jeyes* (1). So also, if it be considered that the Justices improperly gave them back to him, it is for them to call upon him to restore them. Again, if Mr. Payne has wrongfully taken these books from the Justices, and detains them illegally, he is a tortfeasor, and may be proceeded against as such, but is not subject to a mandamus — *The Queen v. Peach* (2), *The King v. the Commissioners of Customs* (3). Secondly, these books do not contain the accounts which the treasurer is to pass. He is, by the statute, to provide books in which the entries are to be made, and he is to deliver in his accounts to the Sessions. Those accounts are a different thing from the entries; and, therefore, if he delivers the former to the Justices he has done enough. Here he has done so; he has

(1) 3 Ad. & Ell. 416.

(2) 2 Salk. 572.

(3) Post, p. 65.

given up the vouchers and bills, and they do constitute his accounts. It may be an inconvenience that they should be kept in such a state, but still if the statute require nothing farther, the treasurer cannot be called upon by this mandamus to do more. He has done his duty when he has delivered them over to the Justices, and he is not bound to make out any other account. Thirdly, these entries and books are the private documents of the treasurer; they contain his releases and discharges, and are the only evidence for him and his sureties of his having duly performed the duties of his office. The Court will not order him to give up these books, which are only private documents kept for his own security. Fourthly, certain charges are insinuated in the affidavits, on which the rule was moved for, against Mr. Payne, but they are fully and completely answered.

The Attorney General, in support of the motion, was stopped.

LORD DENMAN, C.J.—This rule ought to be made absolute. Either by mistake or otherwise, the Sessions and the treasurer have both done wrong, the one in not seeing that the accounts were deposited with the clerk of the peace, and the other in detaining them. I entirely disclaim entering into the merits of the case. There may be something as to which this gentleman may feel himself hardly used; but it is enough for me to see that a great public duty has been left unperformed, because a public officer has kept back documents which he received in that character. It is clear this book of entries was the account passed by the Justices in sessions. Having delivered it in, he had no right to take it away, nor the Sessions to leave it in his hands. The public are represented not only by the Justices present at the sessions, but by the Justices of the county generally; and each individual Justice has at all times a right to see the accounts passed by the Justices in session; and when an application is made by Justices to have an opportunity of inspecting the accounts so passed, whatever their motives, we are bound to enforce that right by mandamus. Then, is it to be said, that the Justices of the county are to be deprived of the means of examining these accounts, because the treasurer has chosen

to have the accounts written in these books? That cannot alter the nature of them; and I think it is quite a mistake to say they are private books. They are public books, and it is his own fault if he has written his accounts therein; and equally so if he has written them in books belonging to his father's executors. Because the books have been returned to him, he erroneously conceives he has a right to keep them. I entirely disclaim any interference with former cases. They are wholly inapplicable. In *The King v. Jeyes*, an order was made by the Sessions who tried the prisoner, that the expenses should be allowed, which the defendant refused to obey. He was the servant of the Court, and this Court would not place itself in the situation of the Sessions, to make their servant do his duty. Is that like the present, where the Sessions and the officer have both made a mistake, the result of which is, to keep the public from what they have a right to? It is enough for me to see that that is the case; and I feel it to be a duty, which we owe to the public, to make this rule absolute.

WILLIAMS, J.—The only doubt which weighed with me was, whether a mandamus to Mr. Payne was a mandamus to the right party. It was suggested that it should go to the Sessions: and there may be weight in that suggestion, as the books were delivered to them, and they ought to have continued them in their custody, and deposited them among the records of the county. Again, it is said that the treasurer is an officer, with respect to whom an indictment is the proper remedy; but when *The King v. Bristow* (4), and the case referred to by my Lord, are examined, it appears that, in truth, there was an order for the payment of money, and therefore on a refusal to obey that order, an indictment would lie. Lord Kenyon grounds himself expressly upon the fact that there was a remedy by indictment. But how does the case stand here? The Sessions have returned these books to this gentleman; have they any jurisdiction to make an order upon him after that? I am not prepared to say that they have. Then, if not, they are not the persons to whom the mandamus should go. Then it is admitted

that this gentleman is within the provisions of the statute of Geo. 2; and as it appears to me, that there would be no foundation for an indictment against him, a mandamus is the only remedy. I do not entertain any opinion of any hardship upon this gentleman; still less express it. These books will be as safe among the records of the Sessions as in his own boxes; and if they are necessary for his discharge, they are there ready for his access.

COLERIDGE, J.—I am of the same opinion upon three points. It is hardly possible to doubt that these are really the treasurer's accounts; they are offered and received as such, and the discharge entered upon them. Mr. Ellis has said, he complied with the act when he delivered in what were only the materials for the accounts, that is to say, the sums he ought to have received for the county rates, the tradesmen's bills, and the different vouchers for the sums he had paid; those are the materials for the accounts, and it is not a compliance with the statute requiring him to deliver in his accounts. And if the statute is to be understood according to the principles of fairness and common sense, a man is not to throw at the heads of the Magistrates his bill and vouchers, but must present a clear statement of his receipts and payments. With regard to the last point, that those affidavits contain a great many misrepresentations and suppressions, if enough remains unanswered to make the rule absolute, we must proceed upon it. The only thing that made any difficulty in my mind was, whether a mandamus was the proper course for the Court to pursue. Many cases have been cited, but the result of them is nothing more than this, that where you find a public officer, who has received an order from his master, or any competent authority, and who, upon disobedience to it, will be punishable by indictment, the Court will not proceed against him by mandamus. It is not because his character is too low, but because he has received an order from a competent authority, which he is bound to obey, that the Court will leave them to the ordinary remedies. Now, in this case the Sessions, whose servant Mr. Payne is said to be, have issued no order upon which an indictment could be founded for disobedience to it; and that

distinguishes this case from those cited, particularly *The King v. Bristow* and *The King v. Jeyes*, in one of which there was an order of the Justices, or an order of the Judge of assize. There is nothing of the sort here. Then, there being no existing order, the question was with me, whether the first step should have been for this Court to have issued an order upon the Sessions,—and that, if disobeyed, should have been the subject of an indictment. I have considered that very much, and, I think, if we had known this was a deviation from the usual practice, that would have been the proper course; but the facts are not so here; for it appears, by the concurrence of all parties, that this course of proceeding has been going on for many years. We find that these Sessions having had this book, according to the statute, in their possession a certain time, have suffered it to depart from them. We find that the Sessions are unwilling to make any order. Then it is a very doubtful question, whether this Court has the power to compel them. But I have no doubt this Court has a power over public officers and public documents. The statute says, it shall be deposited in a public custody; and the Court has a right to interfere, and say, obey the statute, and place it in custody where it ought to be. This is a public document, not a private document. The moment Mr. Payne returns to the Court his accounts in those books, and has taken his vouchers in them, he holds them as a public officer only, and he must deposit them in that place. I should exceedingly regret that what the Court are doing should be made a foundation of any local triumph; we should have heard of no imputation against him if it had not been stated by the counsel, but this Court does not proceed upon believing any single charge against him to have any foundation. As to any inconvenience, except the imputation upon his character, there is none. They are deposited in a place of public custody; the only use of them to him is, that they are his discharge; and he will always have access to them for his protection when he desires.

Rule absolute (5).

(5) See *The King v. the Justices of Staffordshire*, *post*.

1836. } THE KING v. THE COMMISSIONERS OF CUSTOMS.
June 10. }

Mandamus—Commissioners of Customs.

The Court refused to grant a mandamus to the Commissioners of Customs, ordering them to deliver up, on payment of certain duties, goods which they had saved and held subject to the payment of higher duties, they being either justified, or if not, subject to an action.

A rule nisi had been obtained for a mandamus to the Commissioners of His Majesty's Customs, commanding them to deliver certain goods out of the King's warehouse to the applicant, Mr. Legge; and

The Attorney General now shewed cause.—The facts appeared to be these:—a certain quantity of tobacco having been imported into the port of London, was landed and warehoused in a bonding warehouse. It was taken out of the warehouse and shipped on board a vessel, to be carried to Londonderry. The owner did not pay the duty, but executed a bond, conditioned for the conveyance of the tobacco to Londonderry, and for the payment of the duties there. The vessel was wrecked on the voyage, but the principal part of the cargo was saved, and was taken possession of by the officers of Customs. Mr. Legge insisted that he was at liberty to treat these goods as wrecked goods, and pay the 5*l.* per cent. *ad valorem* duty only, and the Commissioners required the full duty, payable on the original importation, to be paid. This question depended on the proper construction of the 3 & 4 Will. 4. c. 52. ss. 49, 50, 51; but it was objected by *The Attorney General*, that this was not a case where the Court could grant a mandamus, since if there was any wrongful act by the Commissioners, there was a remedy by action.

Jervis, contra.—An action of trover cannot be maintained. The goods are in the king's hands—that is, they are in his warehouse, and cannot be got out in any other way than by a mandamus.

LORD DENMAN, C.J.—It does not appear to me that this inquiry is properly brought before us. If the Commissioners are justified in taking and detaining these goods,

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they are not wrong-doers, and we cannot order them to give them up. If they are not justified, they or their officers will be subject to an action.

LITLEDALE, J.—This is nothing more than an application for a mandamus to the Crown.

PATTERSON, J. and WILLIAMS, J. concurred.

Rule discharged.

1837. } THE KING v. THE JUSTICES OF
Jan. 11. } STAFFORDSHIRE.

County Rate—Inspection of Accounts—Mandamus.

County rate payers have no right, either at common law or by statute, to inspect and take copies of the bills of charges of county officers, after they have been deposited by the clerk of the peace among the records of the county, in pursuance of 12 Geo. 2. c. 29. s. 8. The Justices of the Peace for the county are alone entitled to such an inspection.

A mandamus directed to the Justices of the Peace of the county of Stafford, and to the clerk of the peace of the same county, recited, that since Dec. 31, 1831, various rates and assessments had been made by the Justices upon the different parishes in the county, and money had been collected under them, and orders had been made by the said Justices for the expenditure, and orders of Sessions had been made thereon, and indictments or presentments had been made respecting county bridges, and orders of Sessions made respecting the taking down and rebuilding of the same, and for payment of sums respecting the same, and divers bills of costs for business alleged to have been done and performed by the said clerk of the peace, and divers accounts of disbursements made by him, which were comprised in the annual accounts for the said county, for the year 1833, had been by two orders of Sessions allowed, and directed to be paid by the county treasurer. It further recited, that application had been made to the said Justices by divers inhabitants of the township of Marchington Woodlands, in the county, to permit the inhabitants of the said township which was con-

tributary to the said rates or assessments, or their attorney, to inspect and take copies of the said rates, orders, &c., together with all accounts, proceedings, and documents relating thereto, together with the said bills of costs and disbursements, remaining in the custody of the said Justices, and commanded the said Justices and clerk of the peace to permit and suffer the said rate-payers to inspect and take copies of the above.

The Justices returned, that they had ordered that the rate-payers or their attorney might inspect and take a copy of all the rates, orders for expenditure thereof, all proceedings relative thereto, and all indictments or presentments respecting county bridges, and orders relative to the taking down and rebuilding of the same; but that the bills of the clerk of the peace, and the other accounts referred to, which were the accounts and vouchers of the treasurer and high constables, had been passed by the Justices at the Quarter Sessions, and had been deposited with the clerk of the peace, to be kept among the records of the county, for the inspection of the said Justices, according to the statute, and that a true and accurate abstract of the accounts had been duly published once in every year in a public newspaper circulating in the county. In last term,—

The Attorney General moved to quash the return.—This case is decided by *The King v. the Justices of Leicester* (1), which is precisely similar; and the return in that case, which was the same as here, was held to be bad. The Justices here refuse to allow an inspection of the bills, vouchers, and documents, which verify the accounts. If that case be good law, this return cannot be supported: and it cannot be impeached. It is admitted, that the rate-payers may inspect the orders of Sessions for the expenditure: that will, however, be useless and nugatory, unless they can also inspect the bills. Those charges may be illegal; they may be such as the Justices cannot legally allow; and, they, indeed, may be considered as virtually embodied in the orders to pay. Therefore, if an inspection of the latter cannot be refused, so neither

can it be of the former. It will be said, that the stat. 55 Geo. 3. c. 51. s. 18, having directed an abstract of the treasurer's accounts to be published every year, has afforded an answer to this mandamus. But it cannot have that effect. It has, indeed, directed a particular publication to take place, but it has not abridged any right which the public previously possessed. Now, these bills, when paid, became public documents, and as such, must be open to the inspection of the public. Various authorities shew, that public documents may be inspected as a matter of right. He cited 1 *Tidd's Prac.* p. 593 (2), *Herbert v. Ashburner* (3), *Finch v. the Bishop of Ely* (4), *Fox v. Jones* (5), *Newell v. Simpkin* (6), *Burrell v. Nicholson* (7), *Goldring v. Fenn* (8), and *Anonymous* (9). In regard to private documents, the Courts will grant inspection of them if required for the particular occasion. The 12 Geo. 2. c. 29. s. 8. authorizes the Justices to inspect all accounts deposited with the clerk of the peace; and hence it is inferred, that the general right does not exist; but that is only a provision *ex abundanti cautela*.

Sir W. W. Follett, contra.—The return is good. The Justices have only refused to allow an inspection of the accounts and bills which they had passed, and such refusal was justifiable. The case of *The King v. the Justices of Leicester* has been referred to, in support of this mandamus; but that was cited in *The King v. the Vestry of St. Marylebone* (10), and the Court expressed doubts as to the propriety of the decision. Assuming, however, that it is to be upheld, still it is not an authority here. It is ambiguous what the Court intended by their decision. It is only an express authority that a rated inhabitant has a right to inspect the rates. It is, however, contended, that these accounts are public documents, and that, therefore, the Court will compel an inspection; but that is only

(2) 9th Edit.

(3) 1 Wils. 297.

(4) 8 B. & C. 112; s. c. 6 Law J. Rep. K.B. 223.

(5) 7 B. & C. 732; s. c. 6 Law J. Rep. K.B. 131.

(6) 6 Bing. 565; s. c. 8 Law J. Rep. C.P. 228.

(7) 3 B. & Ad. 649.

(8) Not reported on this point, but reported on other points, 7 B. & C. 765; 6 Law J. Rep. K.B. 178.

(9) 2 Chit. Rep. 290.

(10) 6 Nev & Man. 600.

(1) 4 B. & C. 891.

when some ground for the inspection is shewn. They will not direct a mandamus merely to gratify the idle curiosity of a party. Then what benefit can arise from this inspection, if a rated inhabitant could take no steps nor any proceeding?

[COLERIDGE, J.—Suppose it appeared on the orders, that something had been allowed, which was not the subject-matter of a county rate, would not this Court have jurisdiction?]

Probably they might. But this question has been settled by the legislature. The 12 Geo. 2. c. 29. s. 8. requires the vouchers and accounts of the high constables and treasurer to be deposited with the clerk of the peace, and gives the right of inspection to the Justices only, who alone have power to pass them. Section 12 authorizes the churchwardens and overseers of parishes to appeal; and section 14 provides, that all Justices of the Peace, and persons employed by any parish, may inspect contracts for building bridges, and doing other public works and repairs within the county. This provision affords a very strong inference that in other cases the rate-payers are not at liberty to inspect. And the 55 Geo. 3. c. 51, which has made other provisions respecting county rates, gives no right to inspect. The statute 17 Geo. 2. c. 38. s. 13. gives to all rate-payers a right of inspecting the poor-rate assessments; yet it has been held, that this Court will not grant a mandamus for an inspection, unless some cause be alleged—*The King v. Clear* (11).

[LORD DENMAN, C. J.—Might it not have been returned, that the parties had no interest in the subject-matter? And that would appear to be a good ground for not issuing the writ.]

There could be no interest in any case. The statute 4 & 5 Will. 4. c. 48. has not given any additional right to the rate-payers; it only requires that the orders shall be made by the Justices in open court—*The King v. the Justices of Nottingham* (12). The cases cited on the other side have no bearing on this question. They were all applications made, while some action was pending, and the point as to the public general right, was not raised. A proper

cause was shewn in all of them, where the application was successful.

[LORD DENMAN, C. J.—Are not the bills incorporated with the orders?]

No; the orders simply direct the payment of certain sums of money, and the Court cannot know judicially that they are annexed to the bills. And, indeed, it appears from the mandamus itself, that they are distinct and separate documents.

The Attorney General, in reply.—*The King v. the Justices of Leicester* is a clear decision on the point in question. No cause is shewn for overruling it. The rate-payers have a strong interest in the accounts passed by the Justices. In *The King v. Clear*, no interest was shewn at all in the applicant.

[COLERIDGE, J.—Before the 12 Geo. 2. c. 29. s. 8, there was no necessity for the preservation of the bills at all: must we not look to that act to see for what they are preserved?]

The Justices must have kept the orders which they made.

[COLERIDGE, J.—If the bills form part of the orders, they may be liable for a false return: if they do not, then this statute requires them to be preserved as distinct documents.]

But if they were preserved by the clerk of the peace, the inhabitants had a right to inspect. In the case of *The King v. the Vestry of St. Marylebone*, the books sought to be inspected were not the public books of the parish. No case impugns the general principle, that parties in public documents have a right to inspect them.

[PATTERSON, J. referred to *The King v. the Trustees of North Leach Roads* (13).]

It is questionable whether that is a case of public books; it seems to have been rather a matter of private concern; and it was altogether a statutory right, which was limited by a subsequent statute. This is a common law right.

Cur. adv. vult.

In this term, the judgment of the Court was delivered by—

LORD DENMAN, C. J.—The question in this case arose upon the return made by the Justices and the clerk of the peace for the county of Stafford to a mandamus,

(11) 4 B. & C. 899.

(12) 3 Ad. & Ell. 500; s. c. 4 Law J. Rep. (N.S.) M.C. 113.

(13) 5 B. & Ad. 97a.

which commanded them to permit certain rate-payers, and their attorney, to inspect and take copies of certain county rates and assessments, and of all orders made for the expenditure thereof, and of the several orders of sessions made thereon, and of all accounts, proceedings, and documents relating thereto; and also of the several bills of costs and disbursements of the clerk of the peace, comprised in the annual accounts of the said county for the year 1833. The return to this writ denied any refusal of permission to inspect and take copies of the matters mentioned in the writ, so far as extended to rates, orders for the expenditure, orders of sessions made thereon, and all proceedings relating thereto; and it set out a previous order of sessions for granting inspection of all such proceedings to the attorney for the applicants, and permitting copies thereof to be taken by him. It then concluded as follows: "The only accounts or documents in the custody of us, or either of us, relating to the said rates or assessments, are the within-mentioned bills of the clerk of the peace, and certain other accounts and vouchers of the treasurer and high constables of the said county, all of which have been passed by us at our respective quarter sessions, and deposited with the clerk of the peace, to be kept among the records, and to be inspected from time to time by us, the said Justices, according to the form of the statute, &c.; and a true and accurate abstract of the accounts of the receipts and expenditure of the said treasurer, under the several heads signed by such of us as audited the same, hath been duly published, &c., wherefore we have refused," &c.

This return raises the question, whether the rate-payers of any parish within a county have, as such, any right to inspect and copy the bills of charges of county officers, which having been paid by the treasurer, under orders of Justices, have become items in his account, and then having been passed at sessions, and he having been discharged by order of sessions, have been deposited by the clerk of the peace among the county records, in pursuance of the 12 Geo. 2. c. 29. s. 8.

The existence of such right was contended for principally on three grounds—first, upon the authority of *The King v. the Jus-*

tices of Leicester; secondly, because the bills in question were parcel of the orders in virtue of which they were paid, of which the inspection was conceded, but that such inspection was wholly nugatory, unless it extended to the bills also; thirdly, because the bills were public documents, which by the common law every one interested in them had a right to see; and that the provisions relative thereto in the 12 Geo. 2. c. 29, and 55 Geo. 3. c. 51, were either collateral to or in affirmance of, and certainly did not abridge, this right.

Prior to the passing of the 12 Geo. 2. c. 29, the Justices in sessions were authorized by several acts of parliament to raise rates applicable to specific purposes. By that act, one general rate applicable to all those purposes, and for such sum as the Justices shall think necessary, is directed to be from time to time assessed and collected. The monies are to be received by the treasurer, who is appointed by them, and paid according to their orders, for any use or purpose to which the public stock of the county is by law applicable; and no new rate is to be made until the Justices are satisfied that three-fourths of the money collected by the preceding rate have been so expended. The treasurer is to keep books and accounts of his receipts and payments, distinguishing the particular uses to which the payments have been applied, and these, with the vouchers, he is to lay before the Justices at sessions; and after they have been there passed, both are to be deposited with the clerk of the peace, who is required to keep them among the records of the county, "to be inspected from time to time by any of said Justices within the limits of their commissions, as occasion shall require, without fee or reward." When the Justices have passed the accounts, their discharge by order of sessions is to be allowed as a sufficient acquittance to the treasurer, in any court of law or equity, to all intents and purposes whatsoever. A limited appeal to sessions is given against the proportions of the rate, but not against the rate itself; and, finally, the jurisdiction of this Court is restrained within certain limits, by the 21st section, as to the removal into it by certiorari of any rate, or orders or proceedings at sessions relating thereto.

This act was amended by the 55 Geo. 3. c. 51, the principal object of which was to provide for the due proportioning of the rate on the several parishes; but by the 18th section, the treasurer is required, once in every year, to publish in some one of the county newspapers, a true and accurate abstract of his account under its several heads, signed by the Justices who shall have audited the same.

These are the provisions of the statutes material to the present question, which we have stated thus at length, because they appear to us to furnish very cogent inferences as to the right now in dispute. No one can read the clauses without being satisfied that, subject to the limitations specified, the legislature has placed the whole controul, as to the imposition and expenditure of the county rate, in the Court of Quarter Sessions: and with regard to the particular matter of publicity, they provide specifically for the preservation of the vouchers, and for their inspection by a particular class,—the members, namely, of the court which controuls the expenditure; and provide also for information to be conveyed to the rate-payers in general, by annual publication of the receipts and payments, in such a form as was deemed sufficient for the purpose. This latter provision may, perhaps, throw some light upon the construction which the former ought to receive; but looking at the former by itself, it is difficult to understand why a specific provision should have been made for the inspection by the Justices without fee or reward, if, by the common law, the same right (and it is that same right which is now claimed) existed in favour of every rate-payer. It is remarkable, moreover, that in the same statute, 12 Geo. 2. c. 29. s. 14, respecting the repairs of public bridges, banks, &c., a similar provision is made for the preservation and deposit of contracts for the repairs; and as to these, the purpose is declared to be the inspection, not only by the Justices, but by any person employed by any parish, township, or place, contributing to the purposes of the act. The difference in the two clauses can hardly be conceived to have been unintentional.

It is also material to observe, that the duty of preserving the vouchers appears to have been first created by the 12 Geo. 2.

c. 29. Upon examination of all the statutes recited in the preamble, no such enactment appears among them, though the provision for the absolute discharge of the treasurer by the acquittance of the Justices, is copied from one of them—the 11 & 12 Will. 3. c. 19. s. 2. Independently of the statute, we know of no direct obligation on the Justices to preserve the vouchers of audited accounts, however prudent such a preservation might be; nor do we know of anything which should make it compulsory on the clerk of the peace to receive such documents, and preserve them among the county records. If this be so, and the statute which first directs their preservation and place of deposit, defines also the purpose of such preservation, and the persons who are to have access to them, what right can others have to inspect them for other undefined purposes? We are of opinion, therefore, upon a review of the provisions of the statutes, that they raise a direct inference against the existence of any such right. It is fitting, however, to consider the weight of the argument independently of these provisions. It is alleged, that these are public documents, and that every one having an interest in them has therefore a right to inspect them. It is not necessary to inquire whether these are, strictly speaking, public documents; and though most of the cases cited on this point were examples of the exercise of a power by the Court to compel one of two litigating parties to make reasonable disclosures to the other, we are by no means disposed to narrow our own authority to enforce by mandamus the production of every document of a public nature, in which any one of the king's subjects can prove himself to be interested. For such persons, indeed, every officer appointed by law to keep records ought to deem himself for that purpose a trustee. But the difficulty is, to see that the present applicants have such an interest as brings them within the rule. During the argument, we inquired what interest in the applicants was relied on as entitling them to the inspection. In answer, it was conceded, that the rate-payers had no direct interest in ascertaining the expenditure of the by-gone rate, because, even if discovered to be illegal, the monies paid by

the treasurer could not be recovered from him; and it is obvious that they could not be recovered from the parties to whom they had been paid, nor from the individual Justices who had sanctioned the payments: but it was said, that as the Justices at Sessions were prohibited from imposing a new rate until three-fourths of the former had been lawfully expended, the rate-payers were interested in ascertaining the nature of such expenditure, to enable them to oppose the imposition of a new rate. The answer to this is, that the rate-payers, as such, cannot by law interfere in the matter. Let it be assumed that the inspection prayed for should disclose an illegal expenditure of a former rate, or the fact that more than one-fourth of the former rate still remained unexpended, in the treasurer's hands, still no rate-payer, as such, could be heard in the Court of Quarter Sessions, to object to the imposition of a new rate—*The King v. Nottingham*. The subject-matter is not one which the rate-payer can bring before the Court as a litigant; nor is he, as such, a member of the Court. The utmost therefore that can be said, on the ground of interest, is, that the applicants have a rational curiosity to gratify, by this inspection, or that they may hereby ascertain facts useful to them in advancing some ulterior measure in contemplation, as to regulating county expenditure; but this is merely an interest in obtaining information on the general subject, and would furnish an equally good reason for permitting inspection of the records of any other county. There is not that direct and tangible interest which is necessary to bring them within the rule on which the Court acts in granting inspection of public documents.

It is then contended, that these vouchers are substantially parcel of the orders which relate to them. But what in truth is the form of the orders, and whether the vouchers are or are not, by any reference or otherwise, so incorporated with them as to become parcel of them, is not disclosed either in the writ or return. The applicants, prior to the date of the writ, had a full opportunity of inspecting the orders; it is therefore their fault that we have not this information,—the language of their own writ raises a presumption against

them, and there is every reason to suppose that in truth the orders are perfect instruments without the vouchers.

Lastly, however, we are strongly pressed with the authority of *The King v. the Justices of Leicester*, in which Lord Tenterden and this Court made a rule absolute in the very terms of the present. The great authority attached to that decision rendered it necessary for us to grant the writ, and see what return should be made, that the principles on which it rested might undergo the most deliberate revision. We cannot adopt the argument urged at the bar, by which that case was sought to be distinguished from this; because though the refusal of the Justices there was too extensive, and the return therefore properly quashed, the Court obviously intended to decide the present question also. After much consideration, we think in that respect it cannot be supported. It is observable, that although the material arguments at the bar against the mandamus received no answer from the other side, and that no reason is stated for the judgment of the Court, yet it appears that no argument was permitted upon the return. Our Brother Littledale, who was a member of the Court at the time, permits us to say that he disapproves of that case.

Upon the whole, we conclude that this return is sufficient in law. Much has been said upon the practical irresponsibility which our decision may occasion as to the expenditure of the county rate by the Justices. If this consequence really flowed from our refusal of the writ, that would be no reason with us for straining the law to prevent it. The law must be altered by the proper authority, if too much discretion is now vested in the Court of Quarter Sessions.

But in truth, considering the number of the Magistracy in every county, the large attendance usual on the days of transacting the county business, that the court in which it is transacted is an open court, that all these accounts are there publicly considered, and an abstract of the whole expenditure afterwards publicly circulated, and that the law is most explicit as to the matters to which the county rate is applicable,—it appears to us very unreasonable to apprehend any evil consequences from

holding that the Magistrates are not compellable to grant to rate-payers generally this inspection. If any abuse exist, it can hardly be supposed that among so many no one Magistrate will be found to bring the order before this Court; and the law has given already to him every advantage which the granting of a peremptory mandamus would afford to the present applicants. On the other hand, no slight inconvenience might result from holding that in every county all its thousands of rate-payers, with no interest and without fee or reward, have a right to the inspection now contended for; nor can we believe that such a power would have been given by doubtful implications. We disclaim, however, the being influenced on either side by these considerations, and have attended only to the legal principles, which appear to us applicable, in pronouncing that this return is sufficient.

Peremptory mandamus refused.

Note.—By the Reform Act, 2 Will. 4. c. 43. ss. 38, 44, it is expressly enacted, that the overseers who make out the lists of voters shall allow an inspection of the lists so made out by any person; and section 46 makes a similar provision for the town clerk. And in the Municipal Corporation Act, 5 & 6 Will. 4. c. 76. s. 15, the overseers who make out the burgess lists are to keep copies, and allow a perusal thereof by any person.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF CLOSWORD.

Settlement by Foreign Apprenticeship—Evidence.

An indenture of apprenticeship was made in Newfoundland, by an English sailor, who thereby agreed to serve on board his master's ship:—Held, that a settlement was gained by a service and inhabitancy in England for forty days under that indenture.

Held also, that the party relying on the indenture, was not bound to prove that it was valid by the law of Newfoundland.

This was an appeal against an order of two Justices of the county of Somerset, for the removal of R. Bartlett and Elizabeth his wife, and three children of said R. B. by a former wife, and three children of said Elizabeth by a former husband, and

one illegitimate child, from the parish of Closword to the parish of Pendomer; and the Court of Quarter Sessions quashed the order, subject to the opinion of this Court on a

CASE,

which set out the order which adjudged the settlement of the pauper, his wife, and his children, to be in Closword, and then stated that the pauper and his wife had married after the 4 & 5 Will. 4. c. 76, and that the husband was liable to maintain the other children, and ordered that all should be removed to Closword. The case then stated the circumstances of the settlement to be these:—previously to the year 1817, the pauper R. B, an Englishman, being then of age, was at Twillingate, in Newfoundland, in the employ of Messrs. Colbourne & Son, of Sturminster Newton, in Dorsetshire, who had a mercantile establishment in Newfoundland, and at Poole, in Dorsetshire, and were Newfoundland merchants. John Colbourne, the son, occasionally resided in each place, and the home of Colbourne's vessel, on board of which the pauper served, was the port of Poole. In the beginning of the year 1817, the pauper bound himself to Mr. J. C, by an instrument which was set out in the case. (The pauper bound himself thereby to serve his master as a sailor for three years, and it contained the usual covenants in apprentice deeds.)

The instrument was not executed in England, but in Newfoundland, and signed and sealed by the pauper and his master, then residing in Newfoundland. It was not stamped at the time of its execution, nor within two months afterwards; but, at the hearing of the appeal, was given in evidence with an English 1*l.* stamp, and a receipt for the penalty indorsed. No evidence of the law of Newfoundland, relating to such instruments, was given; but it was admitted, that legal indentures executed in Newfoundland do not, according to the laws of that island, require a stamp to render them valid there. The pauper inhabited and served under the above instrument for more than forty days in the parish of St. James, in Poole. It was admitted, and the Sessions adjudged that the instrument, if executed in England, duly stamped, was a valid indenture of apprenticeship; and the question was, whe-

ther the binding was a valid one, so as to confer a settlement by service under it in England.

Another question was, whether the children of E. B. by her former husband, and her illegitimate child, were removable under the said order (1).

Sir F. Pollock, in support of the order of Sessions, was stopped by the Court.

Kinglake, *contra*.—The indenture in this case is not proved to have been a valid indenture, according to the law of Newfoundland, and if not, the pauper could not gain a settlement by a residence under it. Newfoundland is a foreign country, and the rule of law is, that contracts entered into abroad, even by subjects of this country, must be construed according to the law of the country where made, and will be of no avail here, unless valid in such country. It was incumbent, therefore, upon the appellants to prove, that by the law of Newfoundland this indenture was valid—*The Bank of St. Charles v. De Bernales* (2). Then it cannot be said, that the statutes by which the settlement by apprenticeship was given, can apply to this indenture. The 5 Eliz. c. 4. evidently regulates apprentices in England only. The 13 & 14 Car. 2. c. 12, which admits apprenticeship, as a mode of settlement, must refer to that statute. The 3 & 4 Will. 4. c. 11. s. 8, which treats of the settlement by apprenticeship, requires it to be by indenture, and speaks of the inhabiting in *any town or county*, which can only refer to an indenture executed in England. But if these statutes do apply to such an indenture as the present, at least it is requisite that it should conform to the requisites of them, which it does not. It is not therefore shewn that this apprenticeship was a valid contract where made; and if it were, yet a foreign indenture of apprenticeship will not confer a settlement in England.

LORD DENMAN, C.J.—It appears to me, that a good settlement has been gained, in this case, by the service under the indenture. The objection is founded on the 13

& 14 Car. 2. c. 12, which required that a party should be an apprentice, in order to gain a settlement, and at that time no party could be deemed an apprentice unless he had complied with the requisites of the statute of Elizabeth. To what extent those requisites must have been complied with, it is not now necessary to inquire, for this part of the statute has been repealed by the 54 Geo. 3. s. 2, in the following terms: "that it shall and may be lawful for any person to take, retain, or become an apprentice, though not according to the provisions of the said act." Then we come to that part of the 5 Eliz. c. 5, which applies to seamen's indentures, and which requires them to be bound in a particular way, and that the indenture shall be enrolled at the next town. But even with respect to indentures under this statute, it has been held in *The King v. Gainsborough* (3), that non-compliance with all the requisites of the statute shall not vitiate an indenture of apprenticeship. Then we have the authority of Lord Holt, who, in *Barber v. Dennis* (4), held that an apprentice, though his indentures were not properly enrolled under the 5 Eliz., was yet a legal apprentice for the purpose of conferring on the parties the rights which would flow from that apprenticeship. Thus we find, that in England itself, the provisions of that statute have never been strictly enforced. With respect to the law of Newfoundland, it is said, that there is nothing here to shew that these indentures would be lawful there. It is not necessary that the lawfulness of this contract should be distinctly stated; for a contract of teaching and learning is *prima facie* lawful, and it is here expressly found, that the apprentice was of age when he entered into the contract. I do not see that there is any other difficulty in the case. When this statute was repealed as to all that affects indentures made under it, it followed that all indentures must be good as between third parties, if they would have been good before its repeal, and the cases I have referred to, shew that these indentures would have been valid for this purpose, even under that statute itself. I am, therefore, of

(1) This second question was not argued, but as far as relates to the legitimate children, has been determined in the negative by the case of *The King v. Walthamstow*, ante, p. 52.

(2) *Russ. & Myl.* 190.

(3) *Burr. S.C.* 586.

(4) 1 *Salk.* 68; *s. c.* 6 *Mod.* 69.

opinion, that a settlement has been gained in this case.

WILLIAMS, J.—I am entirely of the same opinion. It appears clearly on the face of the instrument, that it created the relation of master and apprentice between these parties, and was a contract for teaching and learning. It was an indenture of apprenticeship in the proper sense of the term. We have no evidence that the law in Newfoundland would require anything different from what has been done here. It has been argued, that nothing can be valid in England as a contract, but that which is in compliance with the statutes in force here. That doctrine, however, has not been strictly applied even to English contracts of apprenticeship made under the authority of those very statutes; and I cannot think that it should be strictly applied here. I think that the pauper gained a settlement.

COLERIDGE, J.—I am of the same opinion. Taking the two statutes, 13 and 14 Car. 2, and 13 W. & M. together, I think that there must be one mode of settlement by binding and service. It is said, that the settlement is not made out here, as it is not proved that this is a contract of apprenticeship shewn to be valid as such in a foreign country. That is true. But this is said to be a written contract for teaching and learning. We have a right to look into the instrument, and see whether the language used is such as to import that it is a contract of that nature. Now the instrument, upon the face of it, does appear to be such a contract. But then it is said, that as it was made in a foreign country, it does not fall within the statutes of apprenticeship; and the statute of Elizabeth is referred to, for the purpose of shewing that our law cannot recognize any but such as are made within the limits of this country. It seems to me, that that statute has no application to the present contract, but refers only to contracts which are actually made in this country. The argument could only be good, if it were true to say that no contract of apprenticeship would be valid but such as was made in actual compliance with the statute of Elizabeth. No lawyer will make such an assertion. The statute of Elizabeth certainly says, that "any apprentice taken otherwise than in conformity with the provisions of this act, shall

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render the indentures null and void to all intents and purposes;" yet the cases say, that for the purpose of settlement, indentures made not in conformity with its provisions shall still be valid. So that the very thing relied on to shew that the contract can only be valid, if made in strict conformity with the law of the country, decides the case against the argument it is cited to support.

Order of Sessions confirmed (5).

1836. } THE KING v. THE INHABITANTS
Nov. 19. } OF MILVERTON.

Highway—Stopping up.

An order of Justices under 55 Geo. 3. c. 68, for stopping up more than one highway, or for stopping up part only of a highway, is void.

Justices have no authority to narrow a highway.

What is the proper course to be taken for the purpose of stopping up a highway which runs into different counties, or different divisions of a county.

Indictment for the non-repair of a common highway in the parish of Milverton. The road out of repair was called Blackgrove's Lane, one part of which was wholly in the parish of Milverton, the remaining part was half in the parish of Milverton and half in the parish of Oak.

At the trial of this indictment, at the Summer Assizes for the county of Somerset, in 1835, a special verdict was taken, setting out, among other facts, an order made at a special sessions, held at Milverton, 1818, by two Justices of the Peace for the county of Somerset, acting within the hundred of Williton, in which, after reciting that it appeared to them, on view, that a highway in the parish of Milverton, called Cook's Lane, was useless and unnecessary; and that another highway, called Blackgrove's Lane, was useless and unnecessary, the entirety of which last highway, to a certain point mentioned in the order, was in the parish of Milverton, and the southern side thereof from the said parish was also in Milverton, and the northern side thereof was in the parish of Oak, in the same

(5) The 4 & 5 Will. 4. c. 76. s. 67. enacts that, "in future, settlements shall not be acquired by apprenticeship to the sea service."

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county; and that another highway, specified in the plan annexed, (part of which was in the parish of Milverton, and the other part in the parish of Fitzhead,) was also useless and unnecessary, proceeded to order that the public highway, therein first described and stated to be useless and unnecessary, (except so much and such part thereof as was in the parish of Oak,) and likewise the said public highway therein thirdly described and stated, &c. (except so much and such part thereof as was in the parish of Fitzhead,) should be stopped up. The special verdict also found, that the three highways, directed to be stopped up by the order, were altogether distinct and separate highways, and at considerable distances from each other, and that no order had been made by any Justices of the Peace for stopping up such part of the highway called Blackgrove's Lane, as was stated to be in the parish of Oak; that Blackgrove's Lane had never been divided or allotted under the provisions of 34 Geo. 3. c. 64; and that the special sessions at which the order was made for stopping up roads, &c. in Oak, was held at Taunton, and not at Milverton, and the parish of Oak was not within the division for which the Justices who made the order acted as Justices in 1818.

F. N. Rogers, for the Crown.—The road indicted is part of Blackgrove's Lane, which is the second highway mentioned in the order. The power to stop up unnecessary highways is given to Justices by 55 Geo. 3. c. 68, s. 2, but the mode of stopping up is to be according to the provisions of 13 Geo. 3. c. 78. s. 19, and the schedule attached to that act, which provisions must be strictly observed—*The King v. the Justices of Middlesex* (1). Now, the marginal note to the Form No. XVII., given in the schedule to 13 Geo. 3. c. 78, for stopping up a highway, directs that if there be more than one highway to be stopped up, there shall be a separate order for each, and this marginal note, being found in the parliamentary roll, is part of the statute. The words of the act are peremptory—*Davison v. Gill* (2); and, therefore, it follows that an order stopping up three highways is invalid. This conclusion is confirmed by the enactment in the new Highway

Act (3), authorizing Justices to stop up more highways than one, when they are connected together, by one order, which is a statutory admission that no such power existed before. The object of the 55 Geo. 3. c. 68, was to require more public notice of orders for stopping up roads, and to afford greater facility of appeal to parties aggrieved; but, as parties appealing must give notice in writing to the surveyor of highways of the parish wherein the road stopped up is situated, and affix a similar notice on the church door of the parish, if eight or ten roads in different parishes might be stopped up by one order, so many different notices would have to be given, that the power of appeal would be defeated. Secondly, the order is bad, as it directs that the highway (except so much as is in the parish of Oak) shall be stopped up, and Justices have no power to stop up a part of a road. The Magistrates in each division ought to have viewed the road in their respective jurisdiction, and then the two sets of Magistrates might have stopped up the whole road; or the Magistrates who made the order might have stopped up the whole road. The authority given by the statute must be strictly pursued, and it is no answer that the words of the statute, which authorize the Justices to stop up any highway, bridleway, or footway, do not include a way in two divisions of a county, for that is a *casus omissus*, which must be rectified by the legislature. A stoppage of this kind would be a great hardship to the public, who would not know whether they might use such a road or not. The parish of Oak also would still be bound to repair that part of the road within their limits.

Bere, (*Carrow* was with him.) contra.—There is no common law authority that this order is bad on the first ground. An indictment may charge several persons, or may include two separate offences, such as murder and burglary, in which case there might be ground for the discretion of the Court to quash the indictment, but there would not be a good objection in arrest of judgment. So an order, containing two different adjudications, may be good for part, and bad for the remainder—*The King v. the Inhabitants of Maulden* (4).

(3) 5 & 6 Will. 4. c. 50. s. 86.

(4) 2 M. & R. 146; s. c. 8 B. & C. 78; 6 Law J. Rep. M.C. 76.

(1) 1 N. & P. 97; s. c. ante, p. 10.

(2) 1 East, 64.

The words of the schedule of 13 Geo. 3. either do not apply or are directory only; and, although the marginal note to Form XVIII. in the schedule is in the parliamentary roll, it appears to have crept in by accident, for at the time that statute passed, the Magistrates had no power to stop up an unnecessary highway, and it is therefore very unlikely that the legislature should have intended that the Form given in that statute, for stopping up a different sort of way, should be pursued. Section 22 of 13 Geo. 3. gives the Magistrates power to stop up an unnecessary highway only in the case where any highway has been diverted previously in the parish; and therefore, although the Form XVIII. in the schedule, might suit such a case, it is impossible to mould it to an order like the present, where no previous proceedings are contemplated. The 55 Geo. 3. c. 68, does not mention "forms" at all, and the "ways and means" in section 2, probably apply only to the mode of "selling and disposing of the ground and soil," with which they are joined in the sentence. But, if the schedule and the marginal note of 13 Geo. 3. are applicable to the proceedings under 55 Geo. 3, the words are directory only—*The King v. Casson* (5), and there are several authorities to shew that in such cases the non-observance of such direction will only make the order voidable, not void—*Gray v. Cookson* (6), *De Ponthieu v. Pennyfather* (7), *The King v. Stotfold* (8); if so, the objection should have been taken at the Sessions on appeal against the order. Secondly, the Magistrates have properly confined themselves in the order to that part of the road within their jurisdiction. If a road were within two counties, the Magistrates in each could only act with regard to that part in their own county; and if they found it useless and unnecessary, they might stop it up. As a necessary consequence, the other part would be useless also; or, if not, that would be a good ground of appeal to the Sessions against the order, and not a question of law. A road in different divisions is similar to one in different counties. By Form XVI. in the schedule to 13 Geo. 3, it would appear that

only Magistrates acting within the hundred, &c. are authorized to act; and by section 62, the Special Sessions for stopping up roads is to be held by summons from the high constable to the Justices, within their respective limits; and the practice has always been for Magistrates only, at Special Sessions, acting within their limits, to stop up roads—*The King v. the Justices of Worcestershire* (9). If the Magistrates have a right to stop up the whole road, both in their division and out of it, they must have a right to stop up a part; if not so, roads like the present could not be stopped up at all, which would be a very great hardship to parishes burdened with their repairs.

LORD DENMAN, C.J.—We are quite clear upon this latter point, that where an order is made for stopping up a road, the whole must be stopped up, or none. If a road runs into different counties, or divisions of a county, then the Justices in each jurisdiction should confer together, as to the use and necessity of that particular road, and if they agree that it is useless and unnecessary, then they may make an order to stop it up; but without such concurrence, it does not lie in the power of either set of Justices to stop up half the road.

PATTESON, J.—I am of the same opinion. It is quite impossible to look at 55 Geo. 3, without seeing that this order is invalid. That act authorizes Justices to stop up unnecessary roads. But this order does not stop up the road; all it does is to narrow it. Now, there is no power given to Justices to narrow a road; although there is to widen, by 13 Geo. 3. c. 78. s. 16.

WILLIAMS, J. concurred.

COLERIDGE, J.—Until this act passed, Magistrates had no power to stop up unnecessary roads; it is, therefore, no argument to say, that unless it is allowed to be done under this act, it cannot be done at all. In many cases it may be fit to stop up a whole road, when stopping up part of it would be improper, for if part only be stopped up, parishes would still be liable to repair the remaining part, and yet have no benefit from the whole road.

Judgment for the Crown

Bere afterwards suggested to the Court that the grounds of the judgment did not

(9) 2 B. & Ald. 228.

(5) 3 Dowl. & R. 36.

(6) 16 East, 13.

(7) 5 Taunt, 634

(8) 4 Term Rep. 596.

apply to that part of the road which was wholly within the parish of Milverton, and which was stopped up by the second part of the order, and was the subject of the first count in the indictment.

On the last day of term—

LORD DENMAN, C.J., delivered the judgment of the Court.—One among the numerous points, on which we gave judgment for the Crown, being applicable to one only of the roads indicted, we have had to consider the other of them, which was argued before us on both sides.

The prosecutor contended that the order for stopping up the road in question was invalid, because it stopped up also two other roads, perfectly distinct from it; and we are of opinion, that this objection must prevail.

The power of stopping roads is vested in the Justices of the Peace, by the 55 Geo. 3. s. 2, a power unknown to the common law, and requiring to be exercised in strict conformity to the statute which creates it. The clause enacts, that "it shall and may be lawful to stop roads by such ways and means, in all respects, as are prescribed by the 13 Geo. 3, for widening or diverting highways;" these are to be found in the 16th section, in numbers 16, 17, and 18, of the schedule annexed to the latter act, and the form of the order for stopping up (which is No. 18,) clearly contemplates one highway only.

There is a marginal note to this Form, which is not merely found in the printed act, but on the parliament roll. "If there are more highways than one to be stopped up, there should be a separate order for each." These words are a part of the act of parliament, and must receive their full effect. Even if they were of less weight, the language of the 55 Geo. 3, constantly referring to one order, one notice, one highway, would appear to the Court sufficient to limit the operation of any order to a single road. This is required both for convenience and fair dealing; it is also the proper construction of a statute which creates a new power, and expressly defines the manner in which it must be exercised.

Such was the view taken by Lord Kenyon, in *Davison v. Gill*, and by Lord Ten-terden; in *The King v. the Justices of the*

Peace for Kent (10), to which, on a late occasion, we felt ourselves bound to adhere.

A simple rule is thus laid down for the guidance of Magistrates and the protection of the king's subjects; the former will not be perplexed with small distinctions, nor the latter deprived of their rights without full and clear notice.

Judgment for the Crown.

1837. } THE KING v. HENLEY-UPON-
Jan. 25. } THAMES.

Settlement—Renting a Tenement—59 Geo. 3. c. 50.

An upper granary forming an entire floor over another granary, in a yard belonging to a dwelling-house, both granaries adjoining to and under the same roof with a stable, but detached from the dwelling-house—Held, not to be a separate and distinct building, within the 59 Geo. 3. c. 50, though there was no internal communication from one granary to the other, nor between the granary and the stable, but the only means of access was by a moveable ladder from the yard.

So also a granary forming an entire floor over a stable, without any internal communication between them, and the access being by means of a moveable ladder from the outside—Held, not to be a separate and distinct building.

By an order of removal under the hands and seals of two magistrates, Matthew Chipp, Anne his wife, and their four children, were removed from the parish of Henley-upon-Thames, in Oxfordshire, to the parish of Burghfield, in Berkshire; and on an appeal against this order, the same was quashed, subject to the opinion of this Court on the following

CASE.

The pauper, Matthew Chipp, acquired a settlement previous to 1819, in the appellant parish of Burghfield. In 1821, the pauper being in trade as a mealman, and resident in the respondent parish of Henley-upon-Thames, hired of a person of the name of Paulin, a granary at the rent of 4*l.* a year. The granary was an upper one, forming one entire floor, and above a granary, which stood in a yard

(10) 10 B. & C. 477; s. c. 8 Law J. Rep. M.C. 73.

belonging to a dwelling-house of the said Paulin, in Henley-upon-Thames aforesaid, which yard opened by a gateway on a high road. The two granaries adjoined to and were under the same roof with a stable, and were detached from the said dwelling-house. There was no internal communication between the lower granary and the upper granary, or between the upper granary and the stable, the only entrance to the upper granary being a separate and distinct entrance from the outside, by means of a moveable ladder placed in the yard, and reaching from the ground to a door on the side of the same granary. In the year 1822, whilst the pauper still held this granary, he hired of one Major another granary or loft in the said parish of Henley-upon-Thames, at the rent of 7*l.* a year. The last-mentioned granary was one entire floor, and was over a stable in a yard behind the dwelling-house of the said Major. The stable and granary were detached from the last-mentioned dwelling-house, and there was an approach to them, without entering the dwelling-house. There was no internal communication between the stable and granary, the only entrance to the granary being a separate and distinct one from the outside, by means of a moveable ladder placed in the yard, and reaching from the ground to a door in the side of the granary. The pauper held both the granaries above mentioned together for more than a year, and during that time the rent for the same was duly paid by the pauper, who during all that time resided in the parish of Henley-upon-Thames.

The question for the opinion of the Court was, whether, upon these facts, the finding was warrantable that the two granaries above mentioned were separate and distinct buildings, within the meaning of the statute 59 Geo. 3. c. 50. If the Court were of opinion that the two granaries were separate and distinct buildings within the meaning of that statute, the order of Sessions was to be confirmed; if otherwise, the order of Sessions was to be quashed.

Chilton, in support of the order of Sessions.—The granaries were separate and distinct buildings within 59 Geo. 3. c. 50, having no internal communications with the stables or other floors, and the approach to each being only by means of ladders ap-

plied to the exterior. This case is the same as *The King v. Macclesfield* (1); and *The King v. Woolton* (2) shews that the two buildings may be laid together to constitute one tenement.

Maule, (with whom was *Cooper*,) contra.—These are not distinct buildings. They are but upper floors. The mode of access from without, cannot determine the character of the place to be a distinct building, and the object of the act was explained by Parke, J. in *The King v. Macclesfield*, to have been to exclude all questions about the occupation of rooms.

LORD DENMAN, C.J.—We agree with you that that is the reasonable construction of the act. These are not distinct buildings.
Order quashed.

1837. } THE KING v. THE INHABITANTS
Jan. 25. } OF RITTENDEN.

Poor Law—Settlement by Hiring and Service—4 & 5 Will. 4. c. 76.

A pauper, who had served from June 1833 to Michaelmas, under monthly hirings, was hired at Michaelmas for a year, and served the whole period. The 4 & 5 Will. 4. c. 76. was passed on the 14th of August 1834:—Held, that though a settlement would have been gained previous to that act by such service, it was defeated by the 65th section; the contract for the year's hiring not having been completed at the time of the passing of the act.

Upon an appeal against an order of two Justices, made on the 20th of March 1835; for the removal of Sophia Attridge and child from the parish of Rittenden, in the county of Essex, to the parish of Ingatestone, the Sessions quashed the order, subject to the opinion of the Court on the following

CASE.

On the 28th of June 1833, the pauper S. A. went into the service of one Elizabeth Baker as her servant for a month, at wages of 1*s.* a week. The pauper continued in the service of E. B. for a month, and was then hired to be her servant until

(1) 2 B. & Ad. 870; s. c. 1 Law J. Rep. (N.S.) M.C. 6.

(2) 1 Ad. & Ell. 287; s. c. 3 Law J. Rep. (N.S.) M.C. 98.

the following Michaelmas, at the like wages of 1s. a week, and continued to serve up to the said Michaelmas. The pauper was then hired by E. B. to be her servant for the following year at 50s. a year, and continued to serve her during the whole of such year. From the time of the first hiring, in June 1833, till Michaelmas 1834, there was an unbroken continuance of service, and the pauper always resided in the house of her mistress, in the parish of Rittenden.

The question for the consideration of the Court was, whether, reference being had to the 4 & 5 Will. 4. c. 76. s. 65, the pauper, under the circumstances, gained a settlement in Rittenden.

Knox and Turner, in support of the order of Sessions.—The 4 & 5 Will. 4. c. 76. s. 65. enacts, "that no person under any contract of hiring and service *not completed* at the time of the passing of this act, shall acquire, or be deemed or adjudged to have acquired, any settlement by reason of such hiring or service, or of any residence under the same;" and the act passed on the 14th of August 1834, before the expiration of the last year's service. But previous to that statute, the service under a yearly hiring might have been connected with a service under a hiring for a shorter period, and if the aggregate made up a service for a year, a settlement would be gained. Now, the service during the year 1833 connected with that portion performed in 1834, previous to the passing of the act, gave a complete settlement; and section 65 was not intended to take away any settlement which had then been acquired. Section 68 shews, that such was not the meaning of the legislature: for there it is provided, that a party under certain circumstances shall not retain a settlement which may have been gained by estate, the object being to defeat the settlement already acquired. *The King v. St. Marylebone* (1) may be cited to prove, that the statute ought to have a retrospective effect; but there the settlement, which was defeated by the statute, was not complete at the time when the act passed.

Ryland and Calvert, contra, were stopped.

LORD DENMAN, C.J.—The words of this act leave no doubt in this case. The service under the contract was not completed at the time when it passed; consequently,

no settlement can be gained by any service under it.

WILLIAMS, J.—This was not a completed contract of hiring and service. The contract for a year must have been undivided, whereas this contract was cut in twain by the statute.

COLERIDGE, J.—A settlement might have been acquired under these circumstances, before the statute. But the statute says, that we are not to adjudge any person to have acquired a settlement, unless the contract of hiring and service were completed at the time when the act was passed. That has not been done here; the contract has not been completely performed; and I am of opinion, that no settlement was gained.

Order of Sessions quashed.

1837. } THE KING v. THE MAYOR, AL-
Jan. 27. } DERMEN, AND BURGESSES
OF BRIDGEWATER.

*Municipal Corporation Act—Office—
Compensation—Mandamus.*

A person who has filled the office of town clerk and clerk of the peace of a borough, and, as incident thereto, has acted as clerk to the Justices of such borough, previous to the passing of 5 & 6 Will. 4. c. 76, (the Municipal Corporation Act,) is entitled to a compensation under section 66 of that statute, for the loss of the fees and emoluments of the latter situation, as the word "office" in that section is not to be construed in its strictly legal sense, but, with reference to section 37, in its general sense, as equivalent to "situation or employment."

A mandamus lies to compel a corporation to put the corporation seal to a bond awarded by the Lords of the Treasury, securing an annuity as a compensation for removing from such office.

This was an application, made by Mr. Trevor, for a mandamus to the corporation of Bridgewater to execute, according to the 5 & 6 Will. 4. c. 76. s. 67, a bond securing to him an annuity of 100*l.* 12*s.* 4*d.*, to be granted to him as a compensation on removal. It appeared, that previous to the passing of the Municipal Corporation Act, Mr. Trevor had been town clerk,

(1) 4 B. & Ald. 681.

and also clerk of the peace of that borough, when he acted as clerk to the Magistrates, and, after the new corporate body had been elected, had been continued in his office of town clerk and clerk of the peace. A commission of the peace was granted to the borough, according to section 103; and the Justices, under section 102, appointed another person to be their clerk, that section prohibiting any clerk of the peace from acting as clerk to the Justices. Mr. Trevor therefore claimed a compensation from the council, which was refused, and he appealed to the Lords of the Treasury, according to section 66, who heard his case, and ordered the above annuity to be granted to him by way of compensation. A bond was accordingly prepared and submitted to the town council, but they refused to execute it; and a rule *nisi* for the present mandamus had been obtained.

The Attorney General and Erle now shewed cause.—The order of the Lords of the Treasury will not be enforced by this Court, as they had no jurisdiction to make it. The compensation is claimed under the 66th section, which enacts, "that every officer of any borough, who shall be in any office of profit at the time of the passing of the act, whose office shall be abolished, shall be entitled to have an adequate compensation, to be assessed by the council, and be paid out of the borough fund, for the salary, fees, and emoluments of the office, which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case;" and in case the council refuse to award compensation an appeal lies to the Lords of Treasury. Now Mr. Trevor is not within this section; for he did not possess any office, but merely assisted the Magistrates with his advice, and they might at any time have applied to another person. He had no permanent interest in the situation; an assize would not have lain for it; and in *Ex parte Sandys* (1), this Court refused a mandamus to restore a clerk to the Justices. But if he was an officer, he was not an officer of the borough, but of the Justices: for they appointed him, and not the corporation. *The King v. Jotham* (2) was referred to.

Sir W. W. Follett and Jardine, in support of the rule.—First, it is to be inferred

from the language of the 66th and 67th sections, that the adjudication of the Lords of the Treasury is final, and that, as they have awarded a compensation to be paid to Mr. Trevor, their order cannot be impeached. But assuming that it is capable of being examined by this Court, it is a proper and justifiable order. Before the passing of this statute, it appears that the town clerk was also clerk to the Justices; this latter seems to have been an appurtenant to the former, and certain fees belonged to it; and it is therefore very doubtful whether the Justices had power to deprive the town clerk of this office of Justices' clerk. Then, though he may not have been an officer of the corporation, he was certainly an officer of the borough. It is contended, that compensation is only to be given where the office is abolished; but it is clear that the statute is not to be construed so strictly. It is enough if a person suffers any injury from the passing of the act.

LORD DENMAN, C.J.—This is the case of an application made by a person who has filled the office of town clerk and borough clerk, or clerk to the borough Justices, of the borough of Bridgewater, for a mandamus to compel the defendants to put the corporation seal to a bond awarded by the Lords of the Treasury, to be executed in his favour, to compensate him for the injury he has received by the loss of the office of clerk to the Justices in the borough. The first objection raised to this application is, that the situation he held is not entitled to the appellation of an office by the strict rules of law. Upon that point, I am of opinion that we are not called upon in this case to put a strict construction on the word "office;" and therefore the question we have now to decide comes to this—whether this person has not been deprived of a beneficial employment, intended by this act to be made the subject of compensation. The statement in the affidavits is, that he was the borough Justices' clerk, and had fees and emoluments attached to that office, which he held as incident to the office of town clerk. The Municipal Corporation Act prevented him from holding both these

(1) 4 Barn. & Ad. 863.

(2) 3 Term. Rep. 575.

offices together, and he has therefore lost the profits of one of them. The Lords of the Treasury taking these circumstances into consideration, have thought that he was an officer of the borough, and entitled as such to compensation for the loss of an office which the recent statute had rendered him incapable of holding any longer. If he was an officer of the borough, the Lords of the Treasury have jurisdiction in the case, and have properly exercised it. It is true that he is still the town clerk, and if the office of clerk to the borough Justices was formerly incident to that of the town clerk, it might be so at this moment, but that the statute has declared that the two offices cannot be held together. The office is, therefore, one of which the applicant has been deprived in consequence of the provisions of the statute. I do not say that we are bound by the order of the Lords of the Treasury, or that, if they granted compensation for an office which we did not think properly the subject of such compensation, we should enforce that order by mandamus; on the contrary, we should refuse to do so; but in this instance, on the fair construction of the words of the statute, I think that the applicant is entitled to compensation for the loss of this office; and I am therefore of opinion, that this rule must be made absolute.

WILLIAMS, J.—I am of the same opinion. I think that we are not compelled to construe the word "office" in the strict legal sense of the term, because the statute itself, in the very section by which compensation is granted (s. 36), shews that that word is to be taken in its ordinary, and not in its legal sense. After declaring that compensation shall be given to a person whose "office shall be abolished, or who shall be removed from his office," the statute goes on to provide how the amount of compensation shall be ascertained, and directs that a statement shall be delivered in, "distinguishing the office, place, situation, employment, or appointment," in respect of the profits of which compensation is claimed. The legislature has here shewn its intention to use the word "office" in its general sense, and as synonymous with the other words employed with it.

COLERIDGE, J.—The Attorney General was right in putting his argument on the ground, that this order was a nullity, for

otherwise it must be taken to be final upon this matter. If it could be made out that that was the case, I certainly should hesitate in saying that the Lords of the Treasury could give themselves jurisdiction, and then call on this Court to enforce what they had done. It is a condition precedent, that the party calling for compensation should be an officer; and perhaps they would have no right to determine that point. But it is not necessary to declare, in this case, whether that is so or not; for I am of opinion, that in the strict sense of the term, this person is brought within the meaning of the words in the statute. He was an officer before the statute, for he was common clerk of the borough. That office has been abolished by the statute. His office was for life; it is now a new office, under the name of town clerk. Suppose he had not gone into the new office at all, would he not have been entitled to compensation? No doubt that he would. What, then, would be the measure of that compensation? He would have a right to say, "I was entitled to fees for my office of common clerk of the borough, and, as incidental to that office, I did other duties, for which I received other fees." Then he would be entitled to compensation for the whole. But he has been re-elected town clerk, and his claim is limited to compensation for the loss of the profits of that other office, which he would have held under the old law, as incident to the office of town clerk. But here I must say, I agree with the rest of the Court, that it is not necessary to argue whether this second office is to be construed to be an office in the strict sense of the term; for when we look to the duties imposed by the statute on the town clerk, and take into consideration the fair use of the words alluded to by my Brother Williams, we cannot but see that the word "office" is not used in this statute in the strict sense in which it would be used in a law book, but in a general sense, as equivalent to situation or employment. Taking the case either way, I am of opinion that the order of the Lords of the Treasury must be sustained, and consequently that this rule must be made absolute.

Rule absolute.

1837. }
Jan. 31. } THE KING v. W. W. COPE.

City of London—Prison—Newgate.

The mayor and aldermen of the city of London were not authorized by the 4 Geo. 4. c. 64. to make any orders for the regulation of the gaol of Newgate, which would prevent Justices of the Peace for the county of Middlesex from committing persons charged with misdemeanors to that gaol.

Indictment against the defendant, keeper of the gaol of Newgate. The first count charged, that the gaol of Newgate is a county gaol for the county of Middlesex, and the defendant is the keeper of it; that on the 17th of July 1834, one James Welch was brought before P. Hardy, Esq., a Justice of the Peace for the county of Middlesex, charged with threatening to do bodily harm to one Isaac Wells, and was ordered to find sureties for his good behaviour, and having refused to do so, the said P. H. issued his warrant of commitment, directed to the constable of Enfield, in the county of Middlesex, and also to the keeper of the gaol for the county of Middlesex, by which the said J. W. was ordered to be confined in the gaol of Newgate until he found sureties; that the constable of Enfield delivered the warrant to the defendant, and offered to deliver the said J. W. into his custody in the said gaol, but the defendant unlawfully and contrary to his duty, refused to receive him. The second count charged a refusal to receive three persons committed on a charge of felony by the same Justice. The third charged a refusal to receive a prisoner, ordered to find sureties for good behaviour, and committed for refusal to do so by two other Justices. The fourth count charged a refusal to receive a prisoner convicted at the Middlesex General Sessions of a conspiracy, and sentenced to be imprisoned in the gaol of Newgate for two years. The fifth count charged a refusal to receive a person convicted by a Justice of the Peace of the county of Middlesex, in a penalty, for unlawfully selling fireworks, and committed to Newgate for default of payment.

Plea—Not guilty.

At the trial, before the Lord Chief Justice, at Guildhall, at the Sittings after Trinity Term, 1835, the defendant was acquitted on the second count, which charged the refusal to receive the persons committed for felony, the warrant not having been delivered to him in point of fact, but he was found guilty on the other counts. In the ensuing Michaelmas term,—

The Attorney General obtained a rule for entering a verdict of not guilty; against which, cause was shewn on a former day in this term by—

Maulc, Erle, and Addison; and the rule was supported by—

The Attorney General, The Recorder, the Common Serjeant, Sir W. W. Follett, and R. V. Richards.—The Court took time to consider, and the judgment, which contains all the facts and the arguments urged for the defendant, was this day delivered by—

LORD DENMAN, C. J.—This was an indictment against the keeper of the gaol of Newgate, for refusing to receive prisoners committed by the Justices of the Peace for the county of Middlesex, charged with misdemeanors. The gaol of Newgate is the county gaol of Middlesex, and the Justices of the Peace of that county before and until the year 1826, had been in the habit of committing persons charged with felonies and misdemeanors to that gaol. The gaol, however, is locally situated within the limits of the city of London, and has always been under the controul and direction of the Court of the Mayor and Aldermen, the Justices of the Peace for the county of Middlesex never having visited, or, except as above mentioned, in any manner interfered there. In the year 1826, the Court of the Mayor and Aldermen made an order excluding from the said gaol prisoners committed on the charge of misdemeanor, in obedience to which the defendant acted. The validity of that order raises the present question, which depends upon the construction of the 4 Geo. 4. c. 64, commonly called "The Gaol Act." That act had for its object, as appears by its recitals and provisions, the regulation of gaols and houses of correction, and particularly the classification of prisoners therein. Those provisions, as appears by the 2nd section, expressly extended to the gaols and houses of correction within the city of London. By the 4th section it

is enacted, "that the Justices of the Peace for the county and the places to which the act refers shall, by order to be made for that purpose, declare to what class or classes of prisoners every such gaol or house of correction, or any part or parts thereof, shall be applicable." This section, we think, must be understood as applicable to cases where the jurisdiction and power of committal was fully known, and as not in any way interfering therewith. It is also provided by this same section, that the order above referred to shall in such case be signed by the chairman of the Sessions, and shall be notified by the clerk of the peace to the said Justices of every county: a provision obviously applicable to one and the same jurisdiction, and which in the present instance could not have been complied with. The 12th section enacts, "That it shall be lawful for the court of mayor and aldermen of the city of London, as far as the prisons within it are concerned, and for five Justices of the Peace of Quarter Sessions respectively, so far as regards the prisons within their respective jurisdictions, whether the same be county, riding, division, or other place, to make such further rules as to them may seem expedient, subject to the approval as therein provided." To this section also, which is *in pari materia* with the 4th, and is only a continuance of its power at a future time, the same observation applies with respect to jurisdiction, (which seems to be assumed as fixed and settled,) that the Court of Mayor and Aldermen of the city of London, and the Justices of the Peace at their several Courts of Quarter Sessions, are coupled together in the description of their functions and powers; and with respect to the latter, (the Justices, in their Courts of Quarter Sessions,) their power is expressed to be within their respective jurisdiction, and certainly they could make no rule which would have the effect of enlarging their own jurisdiction, or abridging that of others. And it is also observable that the effect of this order is to transfer the expense of prisoners committed for trial on charges of misdemeanor from the city of London, which heretofore incurred it, to the county of Middlesex. Then follows the 13th section, on which a good deal of reliance was placed, providing expressly,

"that all the powers given by this act to the Justices of the Peace at their several Courts of Quarter Sessions shall be exercised within the city by the Court of Mayor and Aldermen, and not by them as Magistrates of the Court of Quarter Sessions for the city." We think, however, that this section can only be understood as formally recognizing the general authority of the Court of Mayor and Aldermen, and leaving their power, in the particular now under our consideration, untouched. It may be clear that the authority to make this order, if it exists anywhere, was vested in the Court of the Lord Mayor and Aldermen; that, however, leaves the question of their authority as it stood; and, therefore, upon the whole, it is certain that the jurisdiction of the Justices of the Peace for the county of Middlesex is not directly taken away. We think, that when another and general consistent purpose is apparent upon the act of parliament, it would be too much to attribute to it, upon a doubtful implication, so large and extensive a collateral effect. We will only add, that although the mode of classing to be enforced, by the order of the Court, (and which is rather a classing of prisons than of prisoners,) may not be practicable, if prisoners charged with misdemeanors be admitted into the gaol, it does not follow that there may not be a classification of prisoners therein, though such persons should be admitted. It follows, that the rule for an acquittal, must be

Discharged.

1837. } THE KING v. THE INHABITANTS
April 26. } OF EXMINSTER.

Settlement by Apprenticeship—Error in Indorsement of Acceptance—Notice of Assignment.

Where a parish apprentice named Elizabeth Matthews, was assigned by her master Thomas Melhuish, and an acceptance by her new master, of the said Elizabeth Melhuish, was indorsed on the assignment, pursuant to the 32 Geo. 3. c. 57:—Held, that it sufficiently appeared; that this was an acceptance of the same apprentice.

Where a parish apprentice is assigned from one parish to a master in another parish,

it is not necessary to give notice of such assignment to the overseers of the latter parish, according to the 56 Geo. 3. c. 139.

On appeal against an order of two Justices, for the removal of Elizabeth Matthews from the parish of Dawlish, in the county of Devon, to the parish of Exminster, in the same county, the Court of Quarter Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

By an indenture of apprenticeship, dated the 21st of April 1826, the pauper Elizabeth Matthews was bound apprentice by the churchwardens and overseers of the parish of Exminster, to Mr. Robert Trood, an inhabitant of the said parish of Exminster. By an assignment, dated the 8th of September 1826, the pauper was assigned to the Rev. Thomas Melhuish, also an inhabitant of the said parish of Exminster, for the residue of the term of her apprenticeship. Another instrument, purporting to be an assignment, dated the 8th of October 1830, was made by and with the consent of two Justices of the said county of Devon, testified under the hands of the said two Justices, which is in the words following:—

“Devon, to wit: whereas, it appears unto us, two of his Majesty’s Justices of the Peace for the said county, whose names are subscribed to the consent hereunder written, that Elizabeth Matthews was bound a parish apprentice by the churchwardens and overseers of the poor of the parish of Exminster, in the county of Devon, to Mr. Robert Trood, of the same parish, by indenture, bearing date the 25th of April 1826, until the said Elizabeth Matthews shall attain the age of twenty-one years, or be married; and on the 25th of September 1826, she was assigned by the said Robert Trood to the Rev. Thomas Melhuish, of the same parish. Now be it remembered, that the said Thomas Melhuish by and with the consent and approbation of two of his Majesty’s Justices of the Peace for the said county, whose names are subscribed to the consent hereunder written, doth hereby assign *Elizabeth Matthews, the apprentice above named,*

unto Moses Paul, of the parish of Dawlish, to serve him during the residue of the term above mentioned, and that he, the said Moses Paul, doth hereby agree to accept the said Elizabeth *Melhuish*, as an apprentice for the residue of the said term, and doth hereby acknowledge himself, his executors and administrators, to be bound by the agreement and covenants mentioned in the said indenture, on the part of the said Robert Trood to be done and performed, according to the true intent and meaning of the said indenture, and pursuant to the 32 Geo. 3. c. 57. s. 7.

“Thomas Melhuish.

“Moses Paul.

“We, two of his Majesty’s Justices of the Peace for the said county, do consent thereto: witness our hands, the 8th of October 1830.

“Edmund P. Lyon.

“William Ellicombe.”

Under the instrument above set out, the pauper served the said Moses Paul, in the said parish of Dawlish, where she resided during such service more than forty days. No notice was given by the churchwardens and overseers of Exminster aforesaid, or any of them, to the churchwardens and overseers of Dawlish aforesaid, or any of them, of the instrument above set out. On the hearing of the appeal, evidence was offered by the appellant parish, to shew, that instead of Elizabeth *Melhuish*, in the acceptance contained in the instrument above set out, the pauper was intended, which the Court refused to admit. The questions submitted to the Court are, first, whether without such evidence, there was any sufficient acceptance of the said pauper, by the said Moses Paul, as is required by the 32 Geo. 3. c. 57. s. 7; secondly, if not, whether the Court ought not to have admitted such evidence; thirdly, whether it was necessary that the churchwardens and overseers of Exminster should have given notice to the churchwardens and overseers of Dawlish, in order that the pauper, by virtue of the indenture above set out, and service thereunder, should gain a settlement in Dawlish.

Merivale, in support of the order of Sessions.—The first question is, whether there was any acceptance of the apprentice,

as required by the 82 Geo. 3. c. 57. s. 7. That can only appear by the indorsement on the assignment, there being no other instrument. The indorsement is distinct from the assignment, and if it be looked at separately, as it should be, it supplies no evidence of the proper party who was assigned. There are cases, no doubt, where the Court has supplied an omission, as in *Coles v. Hulme* (1); but in a late case the Court refused to do so, where there was an omission in the condition of a bail bond, the meaning of which no one could doubt—*Holden v. Raphael* (2).

[COLERIDGE, J.—We only know it from our general acquaintance with such instruments.]

[LORD DENMAN, C.J. referred to *The King v. Wickham* (3).]

There, there was a latent ambiguity; here it is patent; and, therefore, evidence was inadmissible to correct the alleged error. Secondly, this was an assignment of a pauper apprentice into another parish, and no notice was given to the overseers of that parish. Now the 56 Geo. 3. c. 139. s. 2. requires that notice shall be given to the overseers, where there is a parish binding—*The King v. Threlkeld* (4), and the reason is equally strong for requiring it in the case of an assignment.

Terrell, contra, was stopped.

LORD DENMAN, C.J.—As to the first point, I have no doubt that *the said Elizabeth* sufficiently refers to the apprentice mentioned in the indenture. And as to the second, although it might be desirable that the same notice should be given to the overseers, in the case of an assignment, as in that of a binding, we cannot make that addition to the statute.

LITLEDALE, J.—There is no doubt that the name "Melhuish" may be rejected. As to the second point, the act of parliament does not warrant us in carrying it to the extent required.

PATTESON, J.—The language of the 56

(1) 8 B. & C. 568; s. c. 7 Law J. Rep. K.B. 29.

(2) 4 Ad. & El. 228; s. c. 5 Nev. & Man. 655.

(3) 2 Ad. & El. 517; s. c. 4 Law J. Rep. (N.S.) M.C. 45.

(4) 5 B. & Ad. 819; s. c. 3 Law J. Rep. (N.S.) M.C. 40.

Geo. 3. c. 139. is pointed to original bindings, and it was passed long after the 82 Geo. 3. c. 57.

COLERIDGE, J. concurred.

Order of Sessions quashed.

1837. } THE KING v. THE COMMISSIONERS OF BEVERLEY GAS WORKS.
April 29. }

Poor Rate—Rating of Gas Works belonging to Town Commissioners.

By an act of parliament, commissioners were empowered to pave, light, &c., the town of Beverley, and levy a certain rate on the inhabitants. By a subsequent act they were authorized to contract for the supply of gas, or to erect or purchase gas works for lighting the town, and, in the latter event, to let out gas on such terms as they deemed fit, provided that the overplus, after payment of the expenses, should be applied to the purposes of the two acts. The commissioners did purchase certain gas works, and raised an overplus from the sale of gas, which they applied according to the purposes prescribed:—Held, that they were not rateable to the poor-rate in respect of such profit.

This was an appeal against a rate, made for the relief of the poor of the parish of St. Martin, Beverley, in which the appellants, by the name of the Proprietors of the Gas Works, were rated upon the sum of 42*l.* for the gas works, and 8*l.* for certain tenements. The appeal was heard at the Epiphany Sessions for the town of Beverley, and the Court there confirmed the rate absolutely as to the tenements, and, as to the gas works, subject to the following

CASE.

The commissioners are appointed by the 48 Geo. 3. c. lxxxvii, and the 6 Geo. 4. c. cxxxviii. (which acts are to be considered as part of this case.) The ground upon which the gas works in question are erected, is within the parish of St. Martin, Beverley, and was formerly garden ground, and as such rated to the relief of the poor of the respondent parish. It was afterwards purchased by one John Malam, who erected the works in question upon it, and carried

on the business of manufacturing gas there for his own benefit for about two years, during all which time the said John Malam was rated to the relief of the poor of the parish of St. Martin, as the proprietor and occupier of the said gas works. The said commissioners afterwards, in the year 1828, in pursuance of powers conferred upon them by the 6 Geo. 4. c. cxxxviii, purchased the said ground with the buildings standing thereon, being the gas works in question, from the said John Malam, for the sum of 8,000*l.*, and are still the proprietors of them, and they have since that time carried on the business of manufacturing gas there. For the purpose of completing such purchase, and for other purposes of the said act, and under the authority of the said act, the said commissioners have borrowed the sum of 8,500*l.*, and, as a security for the same, have mortgaged the rates hereinafter mentioned. In pursuance of the said last recited act, from and after the purchase of such gas apparatus and premises, the said commissioners have lighted the streets and other public passages of the town of Beverley with gas, without contracting for the same, as they had done previously to the said purchase, and they have let out to such persons as are willing to take the same, certain private lights of the description specified in the said recited act, and have supplied such lights with gas, upon such terms and conditions, and at such annual rents for the same, and in such manner, as the said commissioners have from time to time thought proper. They have applied all the money proceeding therefrom to defray the expense of the said gas apparatus, and other things connected therewith, as by the said last recited act is directed. And for answering and defraying the expenses of lighting the said streets and other public passages of the said town as aforesaid, and of carrying into execution the several purposes of the said acts, the said commissioners have from time to time, under the authority of the same, caused the necessary sums to be raised by a rate or rates upon the several tenants or occupiers of premises within the said town, as specified in the said acts, which said sums they have uniformly applied according to the directions of the said acts. The commissioners are the oc-

cupiers of the said gas works and premises, but have no beneficial occupation of or emolument resulting from the said gas works, premises, or other subject of the rates, in any personal or private respect. If, under the above circumstances, the Court of King's Bench is of opinion that the commissioners are liable to be rated for these gas works to the relief of the poor, the order of the Justices is to be confirmed; but if the Court of King's Bench should be of the contrary opinion, then the rate is to be amended by striking out so much of the rate as relates to the gas works only.

Archbold, in support of the order of Sessions.—The commissioners are properly rated in respect of these works. By the 48 Geo. 3. c. lxxxvii. commissioners were authorized to light the town of Beverley, and by the 6 Geo. 4. c. cxxxviii. s. 3. they are empowered to contract with persons to light the town with gas, or by s. 4, to erect or purchase apparatus and land for the purpose of making and manufacturing gas for the use of the town. And then the 7th section empowers them, if they shall deem it expedient, to erect or purchase such gas apparatus, and to light the streets without contracting for the same, after sufficiently lighting the same, to let or grant lights to persons willing to take the same, and to supply them with gas on such terms as they shall think proper; and there is this proviso, that all money to proceed therefrom, or to arrive thereby, be, in the first instance, applied to defray the expenses of the gas apparatus, and other things connected therewith; and if there shall be any overplus, the same shall be applied generally for the purposes of the recited act, and of that act. It appears, therefore, that the commissioners are empowered to carry on a trade, and to derive a profit therefrom, and they have taken the manufactory into their own hands. In respect, therefore, of that profit, they are rateable to the poor. It is immaterial that they derive no personal benefit. A trade is carried on by them which produces a profit, and they are trustees for the benefit of the town. In that character they are like the trustees for burgesses—*The King v. the Trustees of Tewkesbury* (1), *The King*

(1) 13 East, 155.

v. the Mayor of Sudbury (2). As to the fact of there being no profit to the commissioners, *The King v. Agar* (3), and *The King v. St. Giles, York* (4), shew that it makes no difference. The cases of *The King v. the Liverpool Dock Company* (5), and *The King v. the Trustees of the Weaver Navigation* (6) will be relied on by the other side; but in the former case no surplus was to arise, because the rates were to be lowered if they produced more than enough to keep the docks in repair, and in the latter case, the surplus was to be applied to purposes beneficial to all persons; whereas, in the present case, it is the town of Beverley alone which can be benefited by the surplus.

J. Hildyard, contra, was stopped by the Court.

LORD DENMAN, C.J.—It is perfectly clear that this rate cannot be supported. [His Lordship briefly stated the facts, and read the 7th section.] The commissioners have purchased the gas works, and have let out the lights. It is said, that on that account, and for this profit, they are to be rated. No doubt there is a profit, and the section provides for the application of it. The case finds expressly that all the money raised has been applied according to the directions of the act. Therefore, the rates which they are empowered to impose for the purposes of that act have either not been imposed at all, or have been less than they would have been. So that, in effect, if we hold them to be rateable, in respect of their profit, we should require the commissioners to impose a rate for the very purpose of paying this rate. The case of *The King v. the Liverpool Dock Company*, which follows a great number of other cases, decides, that where all the money raised by public commissioners is disposed of for the purposes directed in an act of parliament, they are occupiers for the public, and are not rateable in respect of such occupation. Here there is not any matter of private, but of public profit.

(2) 1 B. & C. 369; s. c. 1 D. & R. 659.

(3) 14 East, 256.

(4) 3 B. & Ad. 573; s. c. 1 Law J. Rep. (N.S.) M.C. 50.

(5) 7 B. & C. 61; s. c. 5 Law J. Rep. M.C. 145.

(6) Ibid. 70, n.; s. c. 5 Law J. Rep. M.C. 102.

LITLEDALE, J.—Under the act of 1808, the commissioners were authorized to lay a rate of a certain amount for the purpose of lighting the town. Now, before they bought the works they might have rated the town to the full extent, and if they had been supplied with gas, must have bought it from some private individual. Instead of that, they have purchased the works, and have set up a manufactory of gas, and obtain a profit from the sale of the gas; accordingly, they find that they can light the town at a cheaper rate than before, and consequently either the rate is wholly removed, or is less than it otherwise would have been, by means of this manufacture. All the persons who are liable to pay the poor-rate are thus relieved in their paving rate, so that there is a perfect equivalent.

PATTERSON, J.—The only respect in which this case differs from the case of *The King v. the Liverpool Dock Company* is this: there, the act of parliament expressly stated that the tolls should be reduced after discharging certain burdens. And it is said, that there is no such provision here. In effect, however, there is. The first act of parliament authorized the commissioners to levy a rate to a certain amount, and gave them no other fund for the expenses of that act. But when the second act passed, and gave them another fund from the profits of the sale of the gas, it is expressly provided, that the surplus shall be applied for the purposes of that act. So that the rate, which might have been levied, was thus reduced.

COLERIDGE, J. concurred.

Order of Sessions quashed.

1837. { WEDGE v. THE HON. MAURICE
May 1. { FREDERICK FITZHARDING
BERKELEY.

Justice of the Peace—Notice of Action.

A Justice of the Peace, who, upon his own view, seizes property as stolen, under circumstances which do not raise a reasonable ground of suspicion, is, under the 24 Geo. 2. c. 44, entitled to a notice of action, at the suit of the party whose property is taken.

Trespass. The first count charged an assault. The second charged the defen-

dant with seizing and carrying away a wheelbarrow and a quantity of grass.

Plea—Not guilty.

At the trial, before Littledale, J., at the Summer Assizes for the county of Sussex, in the year 1835, it appeared, that on the 7th of May in that year, the plaintiff's son was wheeling some newly cut grass in his father's wheelbarrow, when the defendant, who is a Justice of the Peace for the county of Sussex, came up to him, and inquired what he had got in the barrow, and, on being told it was grass, said it was stolen property, and that as he was a Magistrate, he should seize it, which he did, and directed his coachman to wheel it to his house. The plaintiff came, and stated that it was not stolen, but the defendant persisted in his charge, and reiterated that he should detain it as stolen property. On the next day, he ordered it to be returned. This being the plaintiff's case, the defendant's counsel applied for a nonsuit, on the ground, that there had been no notice of action delivered to the defendant, pursuant to the statute 22 Geo. 2. c. 44: his Lordship refused to nonsuit, but reserved the point for the defendant. Evidence was then given for the defendant, which did not materially alter the case, and the learned Judge directed the jury to say, whether the defendant had reasonable or probable grounds for suspecting that the grass had been stolen, for if he had, he was entitled to a verdict. The jury found a verdict for the plaintiff on the second count, damages 5*l*. In the Michaelmas term ensuing,—

Platt obtained a rule *nisi*, to enter a nonsuit; against which, cause was shewn this day by—

Turner.—The defendant was not entitled to notice. The statute 24 Geo. 2. c. 44. requires, indeed, a notice of action to be given to any Justice of the Peace for anything done by him in the execution of his office. The defendant, in this case, was not acting in the execution of his office, when he took possession of the barrow and grass. If, indeed, he had had reasonable grounds for believing it to have been stolen, the case would have been different; but the jury have found that he had not. When a charge is made before a Justice, he is properly entitled to notice of action for anything he may do; but the conduct of the

defendant was not within the proper exercise of his jurisdiction: he acted upon his own motion, and is in the same situation as a constable—*Hawk. P.C. b. 2. c. 13. s. 13*. If a private individual arrest on a charge of felony, he must prove a felony to have been actually committed, otherwise he cannot justify the arrest; a constable, however, is justified, if he prove that there were reasonable grounds of suspicion against the party arrested—*Beckwith v. Philby* (1). Then, if there were no such reasonable grounds of suspicion as would have warranted the Justice in making the arrest, he is not entitled to notice of action, as the absence of those reasonable grounds proves that he was not acting in the execution of his office—*Cook v. Leonard* (2), and *James v. Saunders* (3).

Platt, contra.—The defendant, no doubt, acted *bonâ fide* in the belief, that his authority as a Justice warranted him in making this arrest; and, therefore, he was brought within the protection of the statute. If there had been reasonable grounds for the defendant seizing the barrow, he would have been fully justified without any notice, whereas a notice of action is required in cases where, in strictness of law, he is not justified. *Staigh v. Gee* (4) is an express decision for the defendant: there it was decided, by Abbott, C. J., that a constable who imprisons a person on suspicion of felony, without any reasonable grounds, of his own authority, without any warrant or charge from any other person, is within the stat. 21 Jac. 1. c. 12, which requires the venue to be laid in the proper county. That is a case quite analogous to the present. See also *Cooke v. Clarke* (5). If a party acts who is not justified in acting under any local act, as in *Cook v. Leonard*, and in *Hopkins v. Crow* (6), he is not entitled to notice; but here the defendant acted in his character of Justice.

(1) 6 B. & C. 635; s. c. 5 Law J. Rep. M.C. 132.

(2) 6 B. & C. 350; s. c. 6 Law J. Rep. M.C. 99.

(3) 10 Bing. 429; s. c. 3 Law J. Rep. (N.S.) M.C. 105.

(4) 2 Stark. N.P.C. 445.

(5) 10 Bing. 19; s. c. 2 Law J. Rep. (N.S.) C.P. 168.

(6) 7 Car. & P. 373; s. c. 5 Law J. Rep. (N.S.) K.B. 147.

LORD DENMAN, C.J.—The question is, whether this defendant who, has acted as a Magistrate in this case, was entitled to a notice of action under the circumstances. It appears that he seized a barrow of grass and took it away. For that act, he was entitled to a notice of action, if it were a thing done in the execution of his office; and supposing that he had had reasonable grounds for suspecting it to have been stolen, he would have been entitled to a verdict without the notice. But the jury found that he had not any reasonable grounds for his suspicion; and the question is, whether, though he acted in the execution of his office, and really believed that a felony had been committed, and that the grass had been stolen, he was not entitled to notice. At the end of the plaintiff's case, an application was made for a nonsuit; it must therefore be assumed that there was no dispute as to the defendant having acted *bona fide*; and when the objection was overruled, he called witnesses, and in the result the question left to the jury was, whether he had reasonable grounds for suspicion. If the plaintiff intended to say that the defendant was not entitled to notice, because he was not *bona fide* acting as a Justice, but collusively only, the question of *bona fides* ought to have been submitted to the jury, and if they had negatived it, the provisions of the statute would not have applied. But as that question was not put, and it was assumed throughout the whole case that he was acting *bona fide*, the leave granted by the learned Judge must be followed up, and the plaintiff must be nonsuited for want of the notice.

LITLEDALE, J.—The jury have found that there was not any reasonable ground for seizing the barrow, and, therefore, the Justice would not be entitled to a verdict on the merits. It is a very different question, whether he is not entitled to a notice of action. Having found, on investigation, that he had no right to detain the grass, and having returned it, he ought to have had a notice, that he might have had an opportunity of tendering amends. If he had acted *malá fide*, or through any spite or grudge against the plaintiff, it would have been a different case, but the facts (which his Lordship here recapitulated)

show that he had no intention to injure the plaintiff.

PATTERSON, J.—There were two questions in this case. First, whether the defendant was acting *bona fide* as a Justice. Secondly, whether he had reasonable grounds of suspicion. The first certainly was not put to the jury to decide, as it ought to have been, if there were circumstances which raised any question as to his having acted *bona fide*. This was done in *James v. Saunders*, and many other cases. But it is not said that there was any dispute, in this case, of the Justice having acted *bona fide* in a matter where he had jurisdiction. If that be so, he comes within the protection given by the statute. He was acting in the execution of his office, and the notice is required where a Justice assumes to act, and does *bona fide* act, as a Justice in the execution of his office. I can understand why the other question was submitted to the jury. If there had been a reasonable ground of suspicion, he would not merely have been entitled to a notice, but would have been fully justified. That point, however, was disposed of by the verdict, and the jury were not required to say whether the defendant acted *bona fide* or not.

COLERIDGE, J.—The distinction is clear between what constitutes a defence to the action on the merits, and what merely entitles the defendant to a notice. Wherever a Justice has acted within his jurisdiction, but without due authority, and has done the act *bona fide* as a Justice, he is entitled to a notice. That question ought to go to the jury, and the plaintiff may require the Judge to put it to them. In most cases, however, there is no doubt upon it. And I cannot help thinking that it was taken for granted in the present case at the trial, since it was not put to the jury, as in strictness it ought to have been. But as we can see what verdict the jury ought to have given on this question, and that the defendant did act *bona fide* as a Justice, the rule for entering a nonsuit must be made

Absolute

1837. } THE KING v. THE JUSTICES OF
Jan. 30. } BUCKINGHAMSHIRE.

Justices—Church Rate—Construction of Local Act.

An act for rebuilding Marlow Church authorized the church trustees to assess all houses, warehouses, shops, buildings, lands, tenements, and hereditaments, rated or rateable for the relief of the poor of that parish. The rectorial tithes and glebe had never been assessed to any church rate, but had been rated to the relief of the poor:—Held, that the trustees were justified in assessing these tithes and glebe under the words of this act.

By an act passed in the 1 Will. 4, the inhabitants of the town of Great Marlow were empowered to build a new church, and certain persons were appointed to be general trustees for executing the purposes of the act, and were authorized to borrow money to repay the expense of the building. The churchwardens were directed to be treasurers and collectors of the rates to be raised for the purposes of the act. By a clause in the act, the trustees were authorized to make a rate not exceeding 2s. in the pound, in any one year, on the full annual rent or value of the houses, warehouses, shops, buildings, lands, tenements, and hereditaments rated or rateable for the relief of the poor of the said parish, on all the tenants and occupiers of the said parish, and such rates were to be paid to the trustees to be by them appropriated according to the directions in the act. The money was borrowed, and on the 3rd of December 1835, the trustees made a rate of 1s. 4d. in the pound, on all the houses, &c. in the parish. The Dean and Chapter of Gloucester are entitled to the great tithes of the parish, which they have leased out to James Dean, Esq., who, under-leased them to one Henry Webb. These tithes were assessed in the rate, at the sum of 31l. 16s. They had always been rated to the poor, but had never contributed to the church rate, the lessee of the Dean and Chapter having repaired the chancel of the old church. Mr. Webb refused to pay the rate, and an application was made to three Justices of the county, to issue a warrant of distress for the pur-

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pose of enforcing the payment, under authority granted by that act. As, however, Webb stated that he disputed his liability, the Justices refused to grant the warrant. In last term,

Gunning obtained a rule nisi, at the instance of the churchwardens for a mandamus, directing the Justices to issue their warrant; against which,

Sir W. W. Follett and Phillimore now shewed cause.—The tithes and glebe are not liable, at common law, to contribute to the church rate, because the rector repairs the chancel, and they have never been liable in this parish. But, it is said, they are rateable under the terms of this act of parliament, because they are included under the word "hereditaments." That word, however, connected as it is with others, is not to be construed in so wide a sense as to include tithes, but is to be limited by the meaning of those preceding words, and to be confined to something *ejusdem generis*, which tithes are not. The legislature cannot have intended to throw a new burthen upon the tithes. In *The King v. the Manchester and Salford Waterworks Company* (1), the Court construed the word "tenements," and in *The King v. the Trustees for paving Shrewsbury* (2), the word "hereditaments," in a limited sense, by reference to the words accompanying them. At all events, as the question is doubtful, the Court will not compel the Justices to issue their warrant.

Kelly and Gunning, contra, were stopped by the Court.

LORD DENMAN, C.J.—To hold that the tithes are not rateable in this case, would be to repeal the act of parliament. If there had been any doubt, the Court would not have interfered thus summarily with the Justices; but as there is none, it is their duty to give effect to the act, and set the Justices in motion.

Per Curiam—

Rule absolute.

(1) 1 B. & C. 630.

(2) 3 B. & Ad. 216.

1837. } THE KING v. THE INHABITANTS
April 26. } OF KIMBOLTON.

Poor—Statement of Grounds of Appeal—Adjournment.

An appeal against an order of removal having been entered, it was objected that the statement of the grounds of appeal had not been duly served according to 4 & 5 Will. 4. c. 76. s. 81: the Sessions decided that the objection was valid, and adjourned the appeal:—Held, that they had power to do so.

A statement of the grounds of appeal must be served upon the overseers: if delivered to their attorney, the service is insufficient.

Upon an appeal against an order of two Justices, dated the 21st of August 1835, for the removal of Mary Phillips, the wife of Richard Phillips, a convicted felon, and her four children, from the parish of Kimbolton, in Herefordshire, to the borough of Leominster, the Sessions adjourned the appeal, subject to the opinion of this Court, upon the following

CASE.

When the appeal was called on, the appellants proved that notice of appeal was served upon the churchwardens and overseers of Kimbolton, on the 10th of September 1835, and that on the 3rd of October following, the attorney for the appellants served a statement of the grounds of appeal signed by the churchwardens and overseers of Leominster, upon an attorney named Dipple, as the attorney of the churchwardens and overseers of Kimbolton, who accepted the same on their behalf. It was objected by the counsel for the respondents, that assuming that Mr. Dipple was actually the attorney employed by the respondents in this appeal, which the respondents said they were able to disprove, still the service of such statement of the grounds of appeal was insufficient, as the statement was not served upon the overseers themselves, pursuant to 4 & 5 Will. 4. c. 76. s. 81: and the Sessions were of this opinion. Whereupon, the counsel for the appellants applied to the Court to adjourn the appeal to the next Sessions, that it might then be heard, which, after argument, the Sessions ordered to be done.

The question for the opinion of the Court was, whether under these circumstances, the Sessions had power and jurisdiction to adjourn the appeal.

Greaves, in support of the order of Sessions.—The Sessions had full power to adjourn the appeal. Previous to the 4 & 5 Will. 4. c. 72, there is no doubt, that under the 9 Geo. 1. c. 7. s. 8, the Sessions had power, and were bound to enter and adjourn an appeal, where either no notice at all, or no reasonable notice, had been given by the respondents—*The King v. the Inhabitants of Buckinghamshire* (1), *The King v. the Inhabitants of Staffordshire* (2), and *The King v. the Inhabitants of Gloucestershire* (3): and there is nothing in the New Poor Law Act, which has affected this power in the Sessions. There is no repeal of the provisions of the 9 Geo. 1. c. 7. in express terms; neither is there anything at variance with them. The 81st section requires, indeed, a statement to be sent by the overseers of the appellant parish. That provision may well be read as though it were incorporated with the previous act. The statutes are clearly *in pari materia*; and there are many authorities which shew that the provisions of subsequent acts may be so incorporated—*Vernon's case* (4), and *Bennett v. Edwards* (5).

[PATTERSON, J.—The new statute does not require that the statement shall be part of the notice of appeal. It is to be something separate and distinct from the notice. It has also, in effect, made some difference in the practice of trying appeals, by altering the consideration of what is the next practicable Sessions.]

Here it was not denied that the Sessions might enter the appeal; and the only question raised, is as to their power to adjourn it. Now it is an incidental power of the Sessions to adjourn the appeal, if, in the exercise of their discretion; they think fit to do so—2 *Nol. P.L.* 536, *The King v. the Inhabitants of Wilts* (6).

(1) 3 East, 343.

(2) 7 East, 549.

(3) Doug. 191.

(4) 4 Co. 4.

(5) 7 B. & C. 586; s. c. 8 B. & C. 702; 6 Law J. Rep. M.C. 62; 7 Law J. Rep. M.C. 49.

(6) 13 East, 352.

[PATTESON, J. referred to *The King v. the Inhabitants of Oxfordshire* (7).]

That was a case where the statute in question gave an appeal for the first time, and the notice of appeal was a condition precedent to the right of appeal. But the service of the statement was good. It was delivered to the attorney for the parish, and it is not required to be served on the overseers personally. Under the Bankrupt Act, notices to dispute the bankruptcy are required to be given, yet it is not necessary to serve them on the assignees personally—*Widger v. Browning* (8). In a case of *The King v. the Justices of Monmouthshire* (9), Hil. 1829, it was decided by this Court, that a notice of appeal signed by the attorney for the appellants parish, was sufficient.

Godson, contra.—If the argument on the other side prevail, the appellants may give a new statement previous to the next Sessions. The legislature could not have intended to give them that power. The 81st section provides that they shall not be heard, unless the statement shall have been given. Not having given the statement, the appeal fails. The provision will be nugatory, if the Sessions can adjourn the appeal, and the appellants may thus send a fresh statement. It is said, that the notice of the appeal and the statement are to be treated as the same, but the Court has already decided that they are not—*The King v. the Inhabitants of Suffolk* (10). The real question is, what was the next practicable Sessions? The appellants were bound to go to them, and they have not done so. The appellants intended to try at these Sessions, and ought to have been prepared. The delivery of the statement is a condition precedent to the appeal, which ought to have been performed; and it was clearly the intention of the legislature, that a speedy termination should be put to the litigation. Secondly, the statement was not properly served; it ought to have been given to the overseers themselves, and not to the attorney.

(7) 1 Mau. & Selw. 446.

(8) Moo. & Mal. 27.

(9) 7 Law J. Rep. M.C. 95.

(10) 4 Ad. & El. 319; s. c. 5 Law J. Rep. (N.S.) M.C. 3.

LITLEDAL, J.—It appears to me, that the Sessions had power to adjourn this appeal. Nothing turns upon the 9 Geo. 1. c. 7; the notice required by that statute was given. But the question arises on the 4 & 5 Will. 4. c. 76. s. 81, which requires the statement to be sent or delivered to the overseers; and the objection is, that the statement in this case was not served on the overseers, but on their attorney. Admitting that he was their attorney in the appeal, it was not commenced at the time when the statement was served upon him. I think, that the proper construction of the act is, that it should be served upon the overseers, and that it is not sufficient, if served upon their attorney. If we look to the 79th section, we shall see that it is quite clear that the notice of the chargeability or relief must be signed by the overseers. In this case, the question turns on the notice which is to be served on the overseers. It is best to give the same construction to both sections, and to apply that which is clear in the former section to the 81st. In the 41 Geo. 3. c. 23. s. 4, it is enacted, that a notice of appeal against a poor-rate shall be in writing, signed by the person giving the same, or his attorney on his behalf, thus clearly recognizing the distinction contended for. The safer rule, therefore, is, to hold in this case, that the statement shall be given to the overseers themselves. Then the next question is, whether the Sessions had power to adjourn the appeal. It appears to me that they have a general power to adjourn. But, it is said, that the delivery of the statement was a condition precedent to the appellants being heard; and not having been complied with, they cannot be heard at any time, and the adjournment is useless. But the words are, that they shall not be *heard*; and I think that the Sessions had full power to receive the appeal, and adjourn it by their general authority. It is argued, that the appellants may thus give a new statement, with different grounds of appeal. We say nothing as to the effect of that. All that we are called upon to determine is, that the Sessions were not prevented from adjourning the appeal, though they were precluded from hearing it at that time.

PATTESON, J.—There are two objections

urged in this case. First, that the service on the attorney was bad. Now, it is best to adhere to the rule of construing the words of an act of parliament as they are, and to hold that in this case the service must be on the overseers themselves, according to the enactment which has already been referred to. The intervention of an attorney was not contemplated by the legislature.—The second question is, whether the Sessions could adjourn this appeal. Now I would not have it supposed that we are deciding this question on the 9 Geo. 1. c. 7, which has been held to be imperative upon the Sessions to enter and adjourn the appeal, though there is nothing in the statute itself which says that they are bound to adjourn an appeal. It does not, however, apply to the present case. Here something additional is required, namely, that a statement of the grounds of the appeal should be given. And what is the penalty, if that be not given? Why, that the appellants shall not be heard. The utmost is, that they could not be heard at those Sessions. There is nothing to prevent the Justices from adjourning the appeal. Before the ensuing Sessions, a proper statement may be served, and then the appellants will be entitled to be heard. The general power of the Sessions to adjourn the appeal, is not disputed. The language of Lord Ellenborough, in *The King v. the Inhabitants of Wilts*, is very strong as to their authority; and the one or two cases where it has been held that the Sessions could not be adjourned, are clearly distinguishable; as in *The King v. the Justices of Lincolnshire* (11), where a statute enacted that no appeal should be brought, received, or heard without, and it was held that the Sessions could not enter.

COLERIDGE, J.—The only matter for consideration is, whether the appeal was well lodged—for if it were, the Sessions had power to adjourn it. Every court of justice has incidentally a power to adjourn. It is not quite necessary for us to decide the other point, whether the statement was properly served, but I think it was not. If we would give full effect to the statute, we must construe it literally. Assuming that it was not well served, still the Court had

possession of the appeal. Suppose a case where the removal took place so shortly before the Sessions, that there was not time to try, it would have been competent for the appellants to enter and adjourn the appeal. There would have been an act done, and an adjournment upon it. It is said, however, that it is without the statement, and that the appeal cannot be heard. That is the same as though it were entered without a notice of appeal. We cannot hold that the adjournment could not take place. It is material to distinguish the words used here, from those in *The King v. the Justices of Lincolnshire*. All that is stated in this act is, that the appeal shall not be heard; and nothing is said as to the entry. Whether it will turn out in the end that a statement in writing can now be properly given, is a different question.

Case sent back to the Sessions to enter continuances to the next Sessions.

1837. { THE KING v. THE BIRMINGHAM
April 29. { AND STAFFORDSHIRE GAS-
LIGHT COMPANY.

Poor-rate—Value of Machinery.

A local act for regulating the poor of Birmingham, directed a survey and valuation to be made of all houses, lands, tenements, and hereditaments, within the parish, and the poor-rate to be made on that valuation:—Held, that the value of steam-engines and other fixed machinery, ought to have been taken into estimation in calculating the value of the buildings and premises to which they were attached.

This was an appeal to the Quarter Sessions for the county of Warwick, against a survey and valuation made by the guardians of the poor of the parish of Birmingham, and the churchwardens and overseers of the poor of the same parish, of all houses, lands, tenements, and hereditaments within the said parish, and the annual value thereof, which was confirmed by the Sessions; but the following facts were stated in a

CASE.

By the 1 & 2 Will. 4. c. lxvii, certain persons were appointed a corporation, by

(11) 3 B. & C. 548.

the name of the Guardians of the Poor of the parish of Birmingham. Among other duties, they are from time to time to cause a survey or valuation to be made of all houses, lands, tenements, and hereditaments within the said parish, and the annual value thereof, and to employ surveyors for that purpose, which survey and valuation is to be entered in a book to be kept by the churchwardens and overseers, and the sum inserted in the book as the annual value of such lands, &c. shall be taken to be the annual value for all the purposes of the act, and all rates to be from time to time made for the relief of the poor, shall be made upon a fair and equal pound rate of all lands, &c. inserted in such survey and valuation. An appeal was given to all parties aggrieved by any survey or valuation of any rate for the relief of the poor, to the Quarter Sessions of the county of Warwick, within four months after such survey or valuation, fourteen days' notice of such appeal, and of the nature and grounds thereof, being given to the guardians, churchwardens, and overseers of the poor, and also to such persons as are intended to be affected by it; and the Sessions were empowered to determine the appeal, as in the ordinary case of an appeal against a poor-rate. The case then stated, that in December 1833, a survey and valuation was made, in which the property of the appellants was thus described:—"Birmingham and Staffordshire Gas Company. For their gas-holders and premises in Oxford Street, and mains and pipes within the said parish, annual value 2,430*l*."

The appellants were incorporated by the 6 Geo. 4. c. lxxix, and different parts of that act, conferring the ordinary powers of gas companies, were set out in the case, to raise the question, which was not decided by the Court. And it was stated, that many of the persons named in the above notice, were, at the time of the making of the said survey or valuation, in the occupation of lands, houses, or buildings to which pipes, steam-engines, and various other machinery for carrying on the trades of the respective occupiers, were affixed, being let into the ground, or otherwise attached to the freehold. If the steam-engines and machinery for the purpose of manufacturing, affixed to houses and build-

ings, ought to be estimated in the present rate, as forming part of the annual value of the houses and buildings, then the value of the houses and buildings would be increased beyond what they are rated at; as the annual value to let of the lands, houses, and buildings mentioned in the notice of appeal, along with the steam-engines and machinery, is, in point of fact, increased by the steam-engines and machinery attached to them. These pipes, steam-engines and machinery were omitted in the said survey or valuation, except as herein-after mentioned. They were neither included in it specifically, as coming within the words, "houses, lands, tenements, and hereditaments," nor indirectly, as adding to the annual value of the lands, houses, and buildings to which they were so attached and affixed. The houses and buildings were valued at what they would be worth to let by the year, with a deduction of 20*l*. per cent., for repairs, reference being had to the purposes for which they were used, and to the additional strength and form of their construction, for the purpose of allowing steam-engines and other powerful machinery to be attached to them. The masonry and brick for boiler-seats and chimney-stocks are included, but the steam-engines themselves are not included; all machinery and apparatus used for the purpose of manufacturing, whether fixed or not, was intended to be and is excluded from the survey or valuation: that was the principle upon which it was made. Against this survey and valuation, the company appealed, gave due notice of appeal, and assigned various grounds of appeal. First, that the survey and valuation was not made pursuant to the act. Secondly, that the gas-holders, mains, or pipeways, were not rateable. Thirdly, that the survey and valuation was too general and uncertain, there not being a separate valuation for each. Fourthly, that the valuation was too high. Fifthly, that the appellants were over-rated. Sixthly, that the survey and valuation was unjust and impartial, because other inhabitants and occupiers in Birmingham were not rated in respect of fixed machinery, pipes, apparatus, engines, and the like, used by them in their different premises; and the names of various persons were given. Lastly, that they were rated

as occupiers of the land, where their pipes were laid; whereas, in fact, they did not occupy that land. Notice was given to the different persons named in the notice, and to the overseers.

Upon the trial of the appeal, the appellants relied upon all the grounds stated in their notice. And it appeared in evidence, that in pursuance of the act of parliament, the appellants laid mains and pipes under the streets of the town of Birmingham, and had for many years supplied the town of Birmingham with gas, by means of such mains and pipes. The whole of their gas is manufactured at West Bromwich, out of the parish of Birmingham, but conveyed into Birmingham by mains or pipeways. The appellants have no property whatever in the land in the streets in which their mains and pipes are laid, only a licence to lay them from the commissioners under the Birmingham Street Act, in whom the soil is vested. The annual value of the appellants' gas-holders and premises in Oxford Street, and of their mains and pipes, was ascertained on the following principle:—the buildings in Oxford Street, and land immediately connected with them, were valued as land and buildings at what they were worth to let by the year, in the same way as the value of other lands and buildings in the parish was ascertained. The gas-holder, which contains the gas when made, which is formed of brick and iron-work sunk several feet into the ground, and raised several above the surface of the ground, was valued as a warehouse or building, at what it was worth to let by the year. The mains and pipes, and the land which they occupy, were valued by ascertaining the quantity of land through which they were laid, and then valuing that land with reference to the value of the adjoining land, taking into consideration the purpose for which it is used. This value is an annual value to let for the purpose of a pipeway. The pipes and mains were separately valued at an annual rental, to let, deducting an allowance of 20l. per cent., for wear and tear, in the same manner as the allowance for repairs in houses, the mains being considered as holders or depositories from which the manufactured article is delivered to the consumers. All these annual

values were made with reference to the annual value of other houses, lands, and hereditaments in the parish, included in the valuation, except as stated in the case. It was agreed, that if the principle of the valuation should be decided to be correct, the actual amount of the annual value should be settled by arbitration. The questions for the Court of King's Bench were:—

1st, Whether the gas-holders, mains, and pipes of the appellants, ought to have been included in the survey or valuation.

2nd, Whether the survey or valuation is not bad in law, on account of such omissions as are mentioned in the case, or any of them.

3rd, Whether, supposing that the pipes and mains of the appellants are rightly included, the principle upon which their annual value has been ascertained is a correct one.

If the Court should decide all these three points in favour of the respondents, then the said survey or valuation to be confirmed; if not, the same to be quashed or amended by the Court as far as the principle of the valuation is affected.

M. D. Hill and Amos, in support of the order of Sessions.—Two principal objections have been made to this rate. First, that the company are not rateable in respect of this property at all; and secondly, that the valuation is bad, because the machinery and engines belonging to other persons in the town of Birmingham, have not been taken into the estimate. On the first question, *The King v. the Trustees for paving Shrewsbury* (1) shews, that the property of the appellants is properly rated under the word "hereditaments," in the act; and that they are rateable in respect of their pipes, is clear from various authorities, the latest of which is *The King v. the Chelsea Waterworks Company* (2). But the second question is of great importance, since it will be impossible to carry the principle contended for into effect, in the town of Birmingham. It is said, that the fixed machinery and apparatus ought to

(1) 3 B. & Ad. 216.

(2) 5 B. & Ad. 156; s. c. 2 Law J. Rep. (N.S.) M.C. 98.

be valued; and the cases of *The King v. St. Nicholas, Gloucester* (3), and *The King v. Hogg* (4), will be cited, but these cases were decided upon the statute of Elizabeth, which authorizes a rate upon personal property; and although the machines and engines there were not expressly rated as personalty, yet their distinct nature was not clearly pointed out to the Court. The case of *The King v. Lord Granville* (5) is, perhaps, a more difficult case to distinguish; but there also, the nature of the property was not urged upon the Court. However, in the present case, the word used in the act is "hereditaments," and those, according to the definition in *Les Termes de la Ley*, signify such things as, if not otherwise bequeathed, come to the heir and not to executors. Now steam-engines do not go to the heir. In *Lanton v. Lanton* (6), and in *Dudley v. Ward* (7), it was decided, that fire-engines set up for the working of collieries, should go to the executors, and not to the heir. Those were cases where the profit of the land was mixed with the profit of trade: here, the steam-engines and machinery afford only the profit of trade, and cannot be treated as "hereditaments." In *The King v. St. Dunstan's* (8), the Court held, that where a house was let with fixtures in it, they might be taken into consideration, in estimating the value of the tenement; but there they were such fixtures as would go to the heir. It may also be inferred from the act itself, that such property was never intended by the legislature to be assessed, because the survey is to last for seven years; and it is manifest that machinery of this kind is not of so permanent or enduring a nature as to last out during such a period.

Sir W. W. Follett (*Waddington* was with him).—The rate is invalid, if the additional value, which is given by the fixed machinery to the houses in Birmingham, ought to have been estimated. And, ac-

cording to the authorities already referred to, the valuation ought to have been made on that principle. The fact of the machinery going to the heir or to the executor, does not afford a correct criterion; but the question is, as to the value of the premises assessed. *The King v. the Proprietors of the Liverpool Exchange* (9) shews, that whatever advantages a building possesses, which enable the owner to let it at a higher rent, must be taken into the calculation in the assessment. And the case of *The King v. Lord Granville* is the same as the present. Here, the appellants have been assessed at the value of the property in its present character, and as if it were let to a person desirous of renting the same: that is, in truth, taking into the calculation the increased value given to it by their machinery.—(Here he was stopped by the Court.)

LORD DENMAN, C.J.—It is unnecessary to enter into the consideration of the other points, because we are quite satisfied that the valuation is bad, by reason of the omission to rate this property. It is found in the case, that there are many buildings to which fixed machinery of various kinds is attached, and which have not been valued in respect of the increased value given to them by that machinery. It is very clear from the earliest decisions, that that is wrong. It was decided long ago, that the value of a machine, even not attached to the building, must be taken into consideration, if the occupier takes it at a higher value, in consequence of the existence of that machine. And that decision has never been called in question.

LITLEDALE, J., PATTESON, J., and COLERIDGE, J. concurred.

Hill applied to the Court to amend the survey, but they were of opinion that they had no power; and the case was ultimately sent back to the Sessions for the survey to be quashed or amended.

(3) Cald. 262.

(4) Ibid. 266; s. c. 1 Term Rep. 721.

(5) 9 B. & C. 188; s. c. 7 Law J. Rep. M.C. 89.

(6) 3 Atk. 13.

(7) Amb. 112.

(8) 4 B. & C. 686.

(9) 1 Ad. & El. 465; s. c. 3 Law J. Rep. (N.S.) M.C. 107.

1837. }
May 5. } THE KING v. DAVID WARWICK.

Indictment—Disorderly House.

The indictment charged that the defendant kept a disorderly house, and in the said house, for his own lucre, caused to be brought together divers idle, dissolute, depraved, and bad persons, to be and remain in his house dancing, drinking, tippling, making great noises and disturbances, and behaving themselves ad commune nocumentum:—Held, after verdict, to be a good indictment.

The second count of the indictment charged that the defendant, on &c., with force and arms, &c., at &c., unlawfully and wickedly did keep and maintain a certain ill-governed and disorderly house; and in the said house, for his own lucre and gain, then and there unlawfully and wickedly did bring together, and cause and procured to be brought together, divers idle, dissolute, depraved, and bad persons in his said house, at divers times, to be and remain dancing, drinking, tippling, making great and loud noises and disturbances, and misbehaving themselves, to the common nuisance, not only of all the liege subjects, &c. there inhabiting and residing, but of all the king's subjects.

The third count was similar, merely charging, that the defendant procured idle and disorderly persons to frequent his house, and suffered them to remain in his house *ad commune nocumentum*.

Plea—Not guilty.

At the trial, before the Lord Chief Baron, at the last Warwick Assizes, the defendant was found guilty on these two counts; and now, being brought up to receive judgment—

Humfrey moved in arrest of judgment. This indictment does not disclose any indictable offence. It charges, that the defendant kept a disorderly house; such a general allegation would not be sufficient; and therefore the indictment sets out the mode in which it is conducted; but the mode does not shew that the defendant has been guilty of any illegality. It appears that the defendant has procured divers

persons to resort to his house for the purposes of public dancing. Now, the 25 Geo. 2. c. 36. declares, that houses of such kind of entertainment, in the city of London or within twenty miles thereof, if not licensed, shall be deemed to be disorderly houses; but no licence is required for any such house beyond that limit. It is therefore to be inferred, that a public house for dancing is not necessarily a disorderly house when it is beyond the distance of twenty miles from London. In *The King v. Higginson* (1), an indictment for keeping a disorderly house was held good; but there the defendant procured persons to frequent his house for the purposes of fighting and boxing. Here, there is nothing alleged, but that the parties were *misbehaving themselves*, which is too vague. As to their making noises, the defendant cannot be indictable on that ground; he may be liable in an action to any neighbour who is annoyed, but it does not create a public nuisance, so as to subject him to an indictment.

[LORD DENMAN, C.J.—In *The King v. Moore* (2), Taunton, J. refers to *Hawkins P.C.* 1, c. 75, s. 67; where it is laid down, that all common stages for rope-dancers, and all common gaming-houses, are nuisances in the eye of the law, not only because they are great temptations to idleness, but because they are apt to draw together great numbers of disorderly persons, which cannot but be very inconvenient to the neighbourhood.]

In *The King v. Moore* it was charged, that the defendant caused persons to assault in the highways with fire-arms.

LORD DENMAN, C.J.—There is no doubt that this is a very good indictment. There are means stated by which the public have been annoyed, and it is charged as a public nuisance; that is a matter of fact, to be submitted to the jury.

Per Curiam—

Rule refused.

(1) 2 Burr. 1239.

(2) 3 B. & Ad. 189; s. c. 1 Law J. Rep. (N.S.) M.C. 30.

1837. } THE KING v. WILLIAM TINDALL
Jan. 11. } AND OTHERS.

*Indictment—Nuisance in a public Port—
Special Verdict.*

On an indictment for a nuisance by placing erections in the port of Scarborough, a special verdict found, that the defendants were owners of ship-building yards on the edge of the upper part of the harbour; that the piles in question had been driven into a sandy bottom during seventy years; and that the water used to flow between the piles until certain planking was placed there. It then found that certain commissioners, under certain acts of parliament, erected works, and deepened the harbour, so as to cause a greater rush of water against the defendants' premises than formerly, to the extent of washing away the soil and threatening destruction to their yard; and to protect their property they placed transverse planking in front of the piles, doing nothing more than was necessary to protect their property against the sea, in consequence of the alterations made by the commissioners; and that, by the defendants' works, the harbour was, in some extreme cases, rendered less secure:—Held, that the defendants were entitled to an acquittal.

This was an indictment for a nuisance to the port of Scarborough, by the erection of stages, buildings, &c., in the harbour, and in the sea near to the shore, projecting into the harbour and port, whereby the harbour was obstructed, and injured, and choked up, and the harbour could not be used in times of tempest and danger without imminent hazard.

Plea—Not guilty.

At the trial, before Lord Denman, C.J. at the York Summer Assizes, in 1833, the jury found a special verdict, which stated that the port of Scarborough was an ancient port and harbour much used and frequented for the shelter and repair of ships, and that the prosecutors of the indictment were commissioners appointed under acts of parliament passed in the 5 Geo. 2. and the 3 Geo. 4. for repairing, enlarging, &c., that port and harbour. By the former it was enacted, "that for keeping the harbour clean, and preventing the sand and sillage from collecting and gathering there, no person should throw any

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ballast, dust, earth, &c., or lay logs, &c., or set up any posts, &c. in the said port or harbour, or otherwise encroach upon the same; and that any encroachment or annoyance should be examined into by the said commissioners, and they might fine the offender." By the latter statute, the commissioners were empowered to purchase lands, buildings, &c. for the improvement of the harbour, and for making any quays, and that the compensation therefor should be assessed by a jury, whose verdict should be final, and the owners thereof should be wholly divested. In 1817, the commissioners, with a view to improve the harbour, caused it to be excavated, by removing quantities of sand from the bottom, whereby the harbour was deepened about four feet all along the upper part of the harbour, which process was carried on, amongst other places, from ten to twenty feet of and immediately before the line of the defendants' piles. In 1819 they removed a pier, called an Island Pier, which had previously stood in the harbour; and, in 1820, erected a pier, called the Western Pier, by which excavation the harbour was made more convenient, secure, and commodious for shipping. The defendants were owners of certain premises on the edge of the upper part of the harbour, which had been used by them as a ship-building yard, and had been used for 200 years in like manner; during the space of seventy years last past, divers piles have been placed and driven into the sandy bottom, in face of the said yard and premises of the said defendants, upon which piles, &c., plank stages, during all the time aforesaid, have been erected and placed by the owners of the said yard, timber and other materials used in building and repairing ships kept thereon, and the same have been and are proper and necessary for the purpose of carrying on the business of building or repairing ships on the said yard and premises; that until the planking of the same by the defendants, as hereinafter mentioned, the said piles had always stood at certain distances from one another, and that the water might flow freely between them, and might spread itself on the sloping beach; that the defendants, in order to protect their said premises, afterwards, to wit, &c., connected

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together the said piles, by nailing transverse planks from pile to pile, and inclosed the area, contained within the said piles, the same being thus rendered impervious to the tide, and presenting perpendicular lines of frontage five feet high from the sand; and at ordinary spring tides, there is now, at high water, a depth of from two to three feet of water against and along the said frontage; that by the aforesaid works of the said commissioners, a greater rush of tide was, and thence hath been, caused to and against the beach and sand in front of the said ship-building yard and premises of the said defendants, than had ever previously been experienced, inasmuch that by reason thereof the sand was washed down from before the front of the said yard and premises of the defendants, and the said yard and premises, and their plank stages aforesaid, at the time of the defendants' committing the acts within complained of, had become and were thereby in danger of being swept away by the sea; that by the defendants' works the harbour is, in some extreme cases, rendered less secure; that the defendants have done nothing more than is necessary to protect their property against the sea, in consequence of the alterations made by the commissioners.

In Trinity term last, the special verdict was argued by—

Alexander, for the Crown.—The judgment ought to be for the Crown. It appears that there has been an encroachment on a public port, and that is a nuisance. Now, in *Hale De Jure Maris*, pars 2. c. 7, it is laid down, that ports must be preserved from impediments and nuisances which hinder or annoy the access or recess of ships; though he admits it is not every building between high and low water mark, which is in law *ipso facto* a nuisance. Here, however, it is shewn by the verdict, that the port has been impeded. It will be urged, that these erections were placed on the defendants' own ground; but even though they may be the owners of the soil, they are not justified in creating a public nuisance by narrowing the port—*Hale De Jure Maris*, pars 1. c. 6, *The Attorney General v. Richards* (1), *The Attorney General*

v. Burridge (2), *The Attorney General v. Parmeter* (3). As to this being a public benefit or improvement, the doctrine which was expressed in *The King v. Russell* (4), and which was not consistent with the case of *The King v. Lord Grosvenor* (5), has been doubted in *The King v. Pease* (6), and overruled in the late case of *The King v. Ward* (7). Again, it will be contended, that the defendants have made these erections and buildings for the protection of their own property, and *Trafford v. the King* (8) will be relied on; but in that case, the Court sent down to have it ascertained whether the alterations and confining of the water had been made by any customary right. Here it is expressly found that the defendants commenced their planking in 1826, and the course of the water, which has been obstructed by them, was the ordinary and usual course. It was not shewn in that case, that the proprietors of the canal had been justified in making the alteration in the canal which they had done; whereas, here it is found that the commissioners had done no more than they were authorized in doing.

[LITLEDALE, J.—The commissioners, by removing the pier, have altered the course of the water.]

The act of parliament empowered them to do so. Then it may be argued, that these erections are raised against the encroachment of the sea; and *The King v. the Commissioners of Sewers for Pagham* (9) will be cited; but there it appeared as a fact, that the sea was encroaching on the land. No such fact is found by this special verdict. The defendants, therefore, have been guilty of a nuisance in building in the port and harbour, and have no sufficient justification for their conduct.

Cresswell, contra.—It is assumed, on the other side, that there has been a building

(2) 10 Price, 350.

(3) Ibid. 378.

(4) 6 B. & C. 566; s. c. 5 Law J. Rep. K.B. 80.

(5) 2 Stark. N.P.C. 511.

(6) 3 B. & Ad. 30; s. c. 2 Law J. Rep. (N.S.) M.C. 26.

(7) 4 Ad. & El. 384; s. c. 5 Law J. Rep. (N.S.) K.B. 221.

(8) 8 Bing. 204; s. c. 1 Law J. Rep. (N.S.) Exch. 90.

(9) 8 B. & C. 355; s. c. The King v. the Commissioners of Sewers for Bangor, 6 Law J. Rep. K.B. 338.

(1) 2 Anst. 603.

by the defendants in the harbour. The special verdict does not find that the planking was in the harbour; though the indictment, indeed, charges that the erections were in the harbour. It is found, however, that the defendants have done nothing more than what is necessary for the protection of their own property, and it was incumbent upon the prosecutors to make out that the defendants have thereby infringed some right vested in the public. It is said, this is in a public port, and therefore their buildings create an injury to a public right. But what is the right which the public have in a port? It is open to be navigated wherever the sea flows, but no right is given to the public in the soil—*Butt. Co. Litt. n. 205*. There is no general right to land, or in any other manner to use the shore; as in the case of a public river, there is no general public right to a towing path along the bank—*Ball v. Herbert* (10). The King, in granting a port, may confer a franchise available against himself, but cannot give any right against the owner of the soil. The question then, in this case, is, whether a subject having a right to protect his land against the sea, is to be prevented from doing so, because the King has created a port in the sea which flows upon his land. It is found, also, in the special verdict, that the planking could not have been injurious to the harbour, but for the excavation and deepening of it by the commissioners. They might have excavated, or deepened, or widened, or enlarged the harbour, so long as they did no injury to the owners of the soil. When they did cause an injury, they were liable to an action; and if they were subject to that liability, can Messrs. Tindal be guilty of an offence in taking precautionary measures to prevent their land from being injured? It is contended, that the commissioners were justified in making the alteration. But, in truth, the legislature have not given them any rights against the property of private individuals. And although the commissioners may not be liable to any action, in carrying into effect the powers of the act of parliament, according to the principle of *Sutton v. Clark* (11), yet the defendants

may be allowed to protect themselves. Then, if the acts of parliament have not given the right to injure the defendants' land to the public, it has not been acquired by any other means. In *The King v. Trafford* (12), it was said, that self-protection was no answer to an indictment for a nuisance, but that case was determined on its particular circumstances. The cases of *The King v. Russell* and *The King v. Ward* have no application to the present, neither has *The King v. Pease*; but *The King v. the Commissioners of Sewers for Pagham* is an authority for the defendants. Then, what is the meaning of the special verdict, which finds that, in certain extreme cases, the harbour would be rendered more insecure? It cannot be understood; at least it is too ambiguous to warrant this Court in passing judgment upon the defendants. Does it mean, that if there was a violent tempest there would be insecurity? If so, there is no nuisance. It would be like the case of a house which is indictable if it be ruinous and overhang the highway—1 *Salk.* 357,—though no indictment lies where it is blown down by a tempest. In fact, it is rather to be considered that the harbour is damaged in such cases by the act of God and the violence of the tempest, than by the act of the defendants.

Alexander, in reply.—It appears sufficiently, from the verdict, that the piles were placed within the harbour. As to the commissioners having injured the several defendants' premises, it is found that they did not excavate within ten feet of their piles. But the question is, not whether they have or have not been injured, but whether they have adopted the proper mode of redress. They have, by their planking, prevented the sea from flowing where it was accustomed to flow.

Cur. adv. vult.

LORD DENMAN, C.J.—In this case of *The King v. Tindall* it is charged, that the defendants have committed a nuisance in having erected and continued certain piles and planking in the harbour of Scarborough, thereby rendering that harbour insecure. The special verdict, in substance, finds that the defendants are owners

(10) 3 Term Rep. 253.

(11) 6 Taunt. 49.

(12) 1 B. & Ad. 874; s. c. 9 Law J. Rep. M.C. 66.

of the premises or yards used for ship-building on the edge of the upper part of the harbour; that the piles in question have been erected and driven into a sandy bottom during the space of seventy years; and that the water used to flow between the piles until the planking was placed there. It then finds that the commissioners, under certain acts of parliament, erected works and deepened the harbour, so as to cause a greater rush of water against the defendants' premises than formerly, to the extent of washing away the soil, and threatening destruction to their building yards. The defendants, in order to protect their property, placed transverse planking in front of the piles, and have done nothing more than was necessary to protect their property against the sea, in consequence of the alterations made by the commissioners. It then finds that, by the defendants' works, the harbour is in some extreme cases rendered less secure. The Court has considered much whether this verdict is not so imperfect as to make it necessary to award a *venire de novo*; but, on the whole, we think that the facts are so found as to enable us to give our judgment upon them. It is not, indeed, expressly found that the piles or planking are in the harbour at all, and which is the charge in the indictment; but, assuming this to be collected from the whole verdict, the question will be, whether the effect produced by them is sufficiently described to enable the Court to say that the defendants' works are in law a nuisance. The expression is, that "by the defendants' works the harbour is in some extreme cases rendered less secure;" that is vague and indefinite; but it is sufficient to convey to the mind, that the defendants' works, even when other causes concur with them, and produce their worst result, do but diminish the security of the harbour in the least possible degree, except on occasions of very rare occurrence, and under circumstances left undefined. Now, without deciding at all how far the conduct of the defendants could, under the circumstances, be justified, if their works of themselves injured the harbour or rendered it insecure, or even if, combined with other things, they had that effect generally, we think the jury must be taken to ask, by

their special verdict, our opinion, whether such consequences, as are therein stated, must amount to a nuisance. We do not think that they must;—but hold, on the contrary, that no person can be made criminally responsible for consequences so slight, uncertain, and rare, as is stated by the verdict to result from the works of the defendants. A verdict of not guilty, therefore, of course, must be entered.

1837. } THE KING V. THE INHABITANTS
May 6. } OF BIGHTON.

Parochial Loans—22 Geo. 3. c. 83, 42 Geo. 3. c. 74, 43 Geo. 3. c. 110.

A party, who has advanced money to the guardians of the poor under the 22 Geo. 3. c. 83. s. 20, is not affected by the omission of the guardians to pay off or provide for one-twentieth part of his debt annually, but is entitled to a mandamus to them to pay his debt and interest, though twenty years have elapsed from the time when the money was borrowed, and he has only been paid his interest yearly.

In 1807, John Jacob lent two several sums of 50*l.* to the visitor and guardian of the poor of the parish of Bighton, towards enabling that parish to pay its share of the expenses incurred in the building of a house of industry in Winchester for the reception of the poor of several united parishes, and received two bonds, executed by the then visitor and guardian, who charged the poor-rates thereafter to be made for the parish of Bighton with the payment of the principal, and interest at the rate of 5*l.* per cent. After that time, until his death in 1834, the interest was regularly paid to him, and one payment had been made since his death to his executor, but no part of the principal had been discharged. The parish officers having refused to pay the interest due at Michaelmas, 1836,

Sir F. Pollock, in last term, obtained a rule *nisi* for a mandamus to the guardian, the churchwardens, and overseers of the parish, to make a rate for the payment of the debt and interest due upon the two bonds; against which, cause was now shewn by—

The Attorney General.—The short answer to this application is, that it is made too late. This money was advanced to the parish under the 22 Geo. 3. c. 83. s. 20. (1), by which it was certainly contemplated that the principal should be discharged out of the rates, to be continued at the then assessment, but certainly no express provision was made for its discharge. As it was found inconvenient to keep up so high an assessment, the 42 Geo. 3. c. 74. was passed (2), which ren-

(1) Which enacts, "That it shall and may be lawful for the visitor and guardian of the poor of any such parish, township, or place, when such expenses or their proportion thereof shall amount to 100*l.* or upwards, to borrow the same at interest, and secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding 50*l.* each, for the greater ease in discharging the same in the form contained in the schedule, No. XI., or to that or the like effect, which charge shall continue upon the said rates until the money so borrowed, and all interest for the same, shall be fully paid and satisfied; and the said guardians and their successors shall and they are hereby required duly to pay and keep down the interest of such money, so to be borrowed for the use of their respective parishes or township as the same shall become due; and that when the principal shall be called for they may borrow it from some other person or persons; and the same shall be secured to the person advancing the same, by an assignment of such security indorsed on the back thereof, in the form contained in the said schedule, No. XIV., or to that or the like effect; and that the poor's assessments shall continue at the same rate they were when such poor-house was first established, under the authority of this act, until the debt so contracted and the interest thereof shall be fully discharged; and that the said visitor and guardians, in order to expedite such payments, shall, as soon as the savings in the poor's account shall amount to a sum sufficient to pay off and discharge one of the sums which shall have been borrowed, pay off and discharge such sum, and in like manner as to all succeeding savings until the whole debt so contracted and secured shall be discharged."

(2) Which enacts, "That the guardians of the poor of any parish, who have erected any poor-house or work-house under the powers of the recited act, shall and they are hereby authorized and empowered, with the consent of the several persons to whom the same shall be due and payable, yearly and every year to pay off and discharge any part of the money borrowed under the power of the said recited act, not being less than one-twentieth part thereof, besides the interest which may be payable on the sum remaining undischarged; and in case such sum so to be paid off shall not in any one year be sufficient to discharge any one of the notes for 50*l.*, issued pursuant to the directions of the said act, for securing the money borrowed under the authority thereof, the same shall from time to time remain in the hands of the overseers of the

poor of such parish until it amounts to a sufficient sum to pay off and discharge any of the said notes." dered it unnecessary for the parish officers to retain the assessment, but allowed them to pay off one-twentieth part of the principal and interest due thereon. This was, however, only permissive. But in the next year, the 43 Geo. 3. c. 110. was passed, more completely to authorize the reduction of the assessment, and the 2nd section enacts, that such assessments shall from time to time be diminished to such an amount as shall be deemed proper and necessary; but it provides, that "the guardians of the poor, for the time being, of every such parish, shall yearly and every year pay off or provide for a twentieth part, at least, of the monies which shall have been borrowed for the purpose aforesaid, under the powers of the said act, and also shall duly keep down the interest of all monies so borrowed." That is a compulsory provision, and requires the parish officers to reduce the debt by one-twentieth in each year, so that in twenty years the whole debt shall be paid off. The present debt was incurred thirty years ago, and if one-twentieth had been paid off yearly, the whole would have been discharged. That was not done through the neglect of the parish officers and the testator, who was content to receive his interest without calling upon the parish to pay off the principal. But the present inhabitants are not liable to the payment of the debt, which has been lost by the testator's own laches, and therefore the Court will not grant this mandamus.

Sir F. Pollock, in support of the rule.—This is a most unjust opposition, but it is not founded in law. The act has not the effect contended for. It merely gives the parish officers power to reduce the debt yearly,—or even, it may be admitted, requires them to do so; but it does not defeat the claim of the creditor if they neglect to do so. What is the duty required from him? Is he to apply for a mandamus every year when they omit to pay him, or will any omission to enforce this payment in any particular year defeat his whole claim? Such never could have been the intention of the legislature. The bonds charge the future poor-rates, and they continue liable until the money is repaid.

poor of such parish until it amounts to a sufficient sum to pay off and discharge any of the said notes."

LORD DENMAN, C.J.—This application is made to procure the repayment of money borrowed under the 22 Geo. 3. c. 83, the 20th section of which provides—[here his Lordship read the clause.]—Then, in the schedule, a Form (No. XI.) is given by which the poor-rates thereafter to be made are charged with the payment. Then followed the two statutes, 42 Geo. 3. c. 74. and the 43 Geo. 3. c. 110, [which statute his Lordship read]. It is contended, that under the proviso in the latter, the party holding these securities cannot now recover any part of the money, and that, in point of fact, the debt is extinguished. I do not feel any doubt, that that is not the effect of this act of parliament; the charge originally made still continues, and this proviso is not intended to protect the parish from that charge, but to prevent it from being a permanent charge on the parish, by directing that a twentieth part shall be paid off annually. It might have been the duty of both parties to see that the twentieth part was paid off by the parish; but I feel perfectly clear, that if the legislature had intended the effect contended for, it never would have been left to a mere inference. The claim, therefore, still continues; but there is some difficulty as to the mode by which it is to be enforced. The mandamus prayed for is, that the parish officers may levy a rate to pay the debt and interest. But the act of parliament does not authorize any rate for this specific purpose; and it would be hard upon the present rate-payers to compel them to pay off the whole debt, which was contracted by former inhabitants. It is however, provided, in the 22 Geo. 3. c. 83. s. 20, that when the principal is called in, the parish officers may borrow the same from some other persons. That mode must be resorted to in this case. It is, however, quite clear, that they must pay the interest in the meantime; and, therefore, the mandamus must issue to pay the principal and interest; and the parish officers must either pay the principal out of money in their hands, or borrow it from some other person.

LITLEDALE, J.—This money was borrowed under the authority of the 22 Geo. 3. c. 83, by which it was charged on the rates. The 42 Geo. 3. c. 74. authorizes the parish

officers to pay off a part of the money, with the consent of the persons who have lent their money. That consent, therefore, is a requisite, to enable that enactment to be carried into effect. Then came the 43 Geo. 3. s. 110, on which this discussion arises, and the proviso contains a direction, that the guardians of the poor shall provide for one-twentieth part annually. That is a direction to them to do it, and they ought to have made the reduction at their own peril. The creditor was not bound to see that it was paid, or to come for a mandamus to compel them to pay it off. It has not been paid off, and is still a charge on the rates. The creditor has now, therefore, a right to come and insist upon being paid.

PATTERSON, J.—It is difficult to say what is meant by these acts of parliament. It is clear, that the provision in the 22 Geo. 3. c. 83. s. 20. is not repealed expressly, or by necessary implication. That section enacts, "that when the principal shall be called in, the money shall be borrowed from some other person, who shall be secured by an assignment, indorsed on the back of the security." The form prescribed in the schedule contains no specific time for repayment. The lender may call in the money at any time, yet the parish officers cannot then make a rate for its repayment, but must borrow it from some other person. It seems to have been considered, that the keeping up of the assessment at the existing rate, would have been sufficient to pay off the debt. Then the 42 Geo. 3. c. 74. only enacts, "that the guardians *may*, with the consent of the persons to whom the money is due, pay off a portion yearly." This statute does not mean that they are to pay to each creditor not less than one-twentieth of his debt; but such a sum is to be deducted, and to remain in the hands of the parish officers until some one debt can be paid off in full. The 43 Geo. 3. c. 110. was then passed, and the guardians are required to pay off or provide for one-twentieth part of the monies borrowed, not of each person's debt. And it is material to observe this; because it is said to have been the duty of the creditor to see that his debt was reduced. The non-payment of the debt was no default of the creditor, and he has now a right to

claim payment of his debt. There is still the difficulty as to the form of the mandamus.

Rule absolute, to the parish officers to pay the debt and interest.

1837. } THE KING v. THE INHABITANTS
April 20. } OF SCARISBRICK.

Highway, Repair of—Evidence—Presumption.

On an indictment against a township for non-repair of a highway, the defendants proved an agreement between the owner of all the lands in their township, and the owner of all the lands in an adjoining township, made in the reign of Queen Elizabeth, by which it was agreed, that a road should be formed through both townships, to be repaired in equal moieties; and that a stone was fixed at a place in the defendants' township, to mark a portion therein which was to be repaired by the adjoining township, and which part was the subject of the indictment. The agreement contained a stipulation that a further assurance should be prepared by a lawyer,—but none was produced. Repairs were proved to have been done by the adjoining township for two centuries:—Held, that the Judge ought not to have advised the jury to find that there had been some legal charge created upon the lands in that adjoining township, to repair this road.

Indictment against the township of Scarisbrick, in Lancashire, for the non-repair of a highway within that parish, leading from North Moels to Ormskirk.

Plea—Not guilty.

At the trial, before Patteson, J., at the last Liverpool Assizes, it was proved that Scarisbrick was a township within the parish of Ormskirk, and was bound by custom to repair its own highways. The road in question was within the township, and was out of repair. For the defence, evidence was given of an agreement made in 1591, between two persons, one of whom was the owner of all the lands in Scarisbrick, and the other of all the lands in North Moels. By that instrument, it was agreed that a road should be made from North Moels to Ormskirk, through Scarisbrick, to be repaired by the owners

of the lands in those two townships in equal moieties, and a stone was placed in Scarisbrick, as the limit of the part to be repaired by North Moels; and the agreement concluded with a stipulation that a sufficient assurance should be drawn up by a lawyer. A short time subsequently to the agreement, it appeared that a bill had been filed in Chancery, to compel a specific performance of this agreement, but no decree had been obtained. It was proved that the inhabitants of North Moels had repaired the road up to the stone, since the time of the agreement to the present day, and this was the part of the road indicted. It was submitted for the defendants, that from these facts, the jury might find a liability *ratione tenuræ*, upon the owners of land in North Moels, to repair this road. It was objected that a liability *ratione tenuræ* must be by prescription. But the learned Judge, without determining this point, held, that there was no sufficient evidence of a liability to repair in any other district, and directed the jury to find a verdict for the Crown, giving the defendants leave to move to enter a verdict for them.

Cresswell now moved accordingly. The defendants were bound to shew some other persons liable—*The King v. St. Giles, Cambridge* (1), and it is contended that they do so. They gave such evidence, that the jury might presume that a settlement of the lands in North Moels had been made subject to this charge.

[LORD DENMAN, C.J.—Ought not that to have been pleaded specially?]

Not as this is an indictment against a township—*The King v. Stourton* (2).

[PATTESON, J.—And it was so decided by this Court in *The King v. Hatfield* (3).]

There was no difficulty in presuming a charge to have been created upon the lands in North Moels. It was said, that the liability *ratione tenuræ* must be by prescription, but there is no authority for that position. The King may grant lands to a person, and subject him to the duty of repairing a highway, or to other public liabilities—*The Mayor of Lyme v. Henley* (4),

(1) 5 Mau. & Selw. 260.

(2) 2 W. Saund. 159, a, n. 10.

(3) 2 B. & Ald. 89.

(4) 5 B. & Ad. 77.

Callis on Sewers, 117. Then the dedication of the land in Scarisbrick for a road, is a sufficient consideration for the agreement, by the land-owners of North Moels, to repair this road.

[PATTESON, J.—*The King v. the Mayor of Liverpool* (5) was cited on the trial, against the defendants.]

After the repairs have been done for two centuries, a legal conveyance might be presumed.

LORD DENMAN, C.J.—Whether a liability *ratione tenuræ* can be in any other manner than by prescription, will be to be considered in another case now before the Court. But, it appears to me, that there was no evidence to be laid before the jury, that all this great machinery ever was in existence. No traces of it are found. I think the Judge would not have done his duty, if he had left it to the jury to find a state of facts, which no one can believe ever existed.

COLERIDGE, J.—We ought not to disturb this verdict. It is said, that this question ought to have gone to the jury, on the ground that a prescription of a charge upon the township might have been presumed. But the Judge ought not, in this case, to have advised the jury to make such a presumption. Where the acts done would have been wrongful, unless there had been some legal origin for them, there is ground for presuming the existence of such a legal origin. But here, the acts proved are referable to some arrangement or agreement among the inhabitants, rather than to some legal machinery.

PATTESON, J.—I do not see what I could have advised the jury to presume. If there had been any such instrument, as is supposed, it certainly would have been found.

Rule refused.

1837. { THE KING v. DANIEL NEWTON,
June 6. { GEORGE COLE, HENRY HUNT,
AND CHARLES HUNT.

Indictment—Certiorari—Procedendo.

Where one of several defendants has removed an indictment from the Quarter Sessions by certiorari, and entered into a recognizance
(5) 5 East, 86.

according to the statutes, to go to trial at the sittings after term, the Court will not, on the application of the prosecutor, and merely on the ground that there must be two trials, or that the trial of the indictment will otherwise be delayed, grant a rule to shew cause "why a procedendo should not issue, unless the other defendants appear and plead, and take short notice of trial for the same time."

A bill of indictment having been found at the Middlesex Sessions, against the defendants, for a conspiracy to entice one Edward Richard Golightly to play at divers games, and game for divers large sums of money, and to cheat and defraud him thereof, a writ of *certiorari*, to remove the indictment into this court, had been obtained at the instance of the defendant Charles Hunt alone, who entered into a recognizance, pursuant to the statutes 5 W. & M. c. 11, 8 & 9 Will. 3. c. 33, and 5 & 6 Will. 4. c. 33.

Montagu Chambers now moved for a rule to shew cause, why a writ of *procedendo* should not issue, unless the other defendants should appear and plead during the present term, and take short notice of trial for the sittings after this term. The motion was founded on an affidavit made by the clerk of the attorney for the prosecution, which stated, that the defendant Charles Hunt, only, had entered into the recognizance upon the *certiorari*, to go to trial at the sittings after this term; and that the prosecutor would not otherwise be able, by the course and practice of the Court, to press the other defendants to go to trial at the same time; and that, by reason of the removal, great delay would be created, and the trial of the other defendants would be delayed until the month of December.

LORD DENMAN, C.J.—The only ground upon which this application is made is, that the trial of all the defendants must be delayed, or that there must be two trials. That is an evil which the Court cannot remedy at the expense of the defendant who has obtained the writ of *certiorari*, and entered into the necessary recognizance.

LITLEDAL, J. [after conferring with the officers of the Crown Office.]—In the

absence of precedents, I should be very reluctant to grant such an application as this. The only instance I am aware of, in which the Court imposed terms upon a defendant who had removed an indictment by *certiorari*, was in the case of Mr. Hunt (1), about seventeen years since; but the circumstances there were very peculiar, and the terms were imposed on the Court granting an application made by the defendant for a *certiorari*, to remove the indictment which had been found at the Lancaster Assizes, for the purpose of carrying the trial into another county.

Rule refused (2).

IN THE EXCHEQUER OF PLEAS.

1837. }
June 5. } WOODS v. REED.*

Municipal Corporation Act—Retrospective Rate.

A retrospective rate made under the 92nd section of the Municipal Corporation Act, is invalid.

This was an action of trespass, brought by an overseer of one of the parishes within the borough of Stamford, against the high constable within the said borough, for levying a distress upon the plaintiff's goods, under the act 5 & 6 Will. 4. c. 76. s. 92. By the consent of the parties, the following

CASE

was stated for the opinion of this Court, under a Judge's order, in pursuance of the statute 3 & 4 Will. 4. c. 42. s. 25.

After the passing of the Municipal Corporation Act, 5 & 6 Will. 4. c. 76, various expenses had been and were necessarily incurred by the borough of Stamford, in

the county of Lincoln, in carrying into effect the provisions of the act; and the borough fund not being sufficient for the payment of such expenses, at a meeting of the council of the said borough, at which the mayor and the major part of the councillors were present, the council estimated as correctly as might be, what amount, in addition to the said borough fund, would be sufficient and necessary for the payment of the expenses, which had been so incurred in carrying into effect the provisions of the said act; the amount of such estimate being 2,316*l.* 2*s.* 1*d.*; and by an order then duly made at such meeting, (after reciting the facts above mentioned,) it was ordered by the council, that a borough rate, in the nature of a county rate, should be made on the said borough, for the purpose of raising the aforesaid sum, so estimated, and, for that purpose, that there should be assessed, and the said council did thereby assess, upon every parish (naming them) within the borough, the several and respective sums therein mentioned, amounting together to 2,327*l.* 10*s.* 1*d.*, the same being at the rate of 2*s.* 1*d.* in the pound upon the annual value of the property rateable to the relief of the poor in the said parishes; and the said council did thereby further order, according to the act 5*th* Geo. 3. c. 51, and the several other acts relating to county rates, and the said act of 5 & 6 Will. 4, that the churchwardens and overseers of the poor of each parish should, out of the money collected or to be collected for the relief of the poor of such parish respectively, pay to the high constable of the said borough, the respective sums of money so as aforesaid assessed upon such parishes respectively, within a certain time in the said order mentioned, next after demand thereof made in writing, to be given to the churchwardens and overseers, and that the high constable being also the treasurer of the borough, should pay over the monies, when received, to the borough fund, to be applied, pursuant to the provisions of the Municipal Act; and upon refusal by the churchwardens and overseers to pay the sums assessed upon their respective parishes, the high constable was thereby empowered to levy the same by distress and sale of the goods of the overseers so refusing, having first obtained

(1) The King v. Hunt, 3 B. & Ald. 444.

(2) By the common law, if a *certiorari* be once fled, the proceedings below can never be revived by *procedendo*—Hawk. P.C. b. 2. s. 27. s. 68; The King v. Whitlow, Hil. Term, 6 Geo. 1; but if the *certiorari* issued improperly, it may be superseded, *quia improvidè emanavit*—The King v. Wakefield, 1 Burr. 489; and the proper course is to move to take the *certiorari* off the file, and then for a *procedendo*—The King v. Lewis, 4 Burr. 3459. See also as to the practice of granting the writ on the application of one defendant without imposing terms, The King v. Bozall, 4 Ad. & El. 513; s. c. 5 Law J. Rep. (N.S.) M.C. 78.

* This case is reported by John Deedes, Esq.

a warrant for that purpose. In pursuance of this order, the defendant, as high constable, holding a warrant for collecting the borough rate, issued his warrant to the overseers of the poor of the parish of St. Mary, (being a parish within the said borough,) requiring them to pay 179*l.* 2*s.* 9*d.*, being the proportion of the said parish towards the said borough rate. The overseers of the said parish refused to pay any part of the said sum to the defendant as the high constable. The case then stated that the plaintiff was duly summoned for the non-payment, and that a warrant of distress was issued by the mayor, directed to the defendant, commanding him to distrain for the said sum upon the plaintiff's goods, and proceed to a sale, if the money was not paid within five days. Under this warrant, the defendant took and distrained the goods mentioned in the declaration.

The question for the opinion of the Court was, whether the council of the said borough could, by virtue of the statute 5 & 6 Will. 4. c. 76, legally order a borough rate, in the nature of a county rate, to be made within their borough, for the payment of the expenses *which had before then been incurred*, in carrying into effect the provisions of the said act. If the Court should be of opinion in the affirmative, a judgment of *nolle prosequi* was to be entered immediately, or otherwise, as the Court might think fit; but, if the Court should be of a contrary opinion, then judgment was to be entered against the defendant by confession, with 40*s.* damages.

Alexander, for the plaintiff.—This rate being of a retrospective nature, is illegal. The question depends entirely upon the construction which the Court will put upon the words of the 92nd section of the Municipal Corporation Act, which provides, that "in case the borough fund shall not be sufficient, the council is thereby authorized and required to *estimate from time to time*, as correctly as may be, what amount, in addition to such fund, will be sufficient for the payment of the expenses *to be incurred* in carrying into effect the provisions of the act." The language of this section is, throughout, entirely prospective, and a rate for by-gone expenses cannot be made. This rate is in the nature of a county rate, which cannot be retrospective

—*The King v. the Justices of Flintshire* (1).

The same principle applies to chapel-rates

—*The King v. the Chapel-wardens of Ha-worth* (2), and to gaol rates—*Cortis v. the East Kent Waterworks Company* (3).

[LORD ABINGER, C.B.—If a rate may be retrospective, that is an exception to the general rule.]

The Court then called upon

N. R. Clarke, for the defendant.—It could not be the intention that a rate should always be made prospectively. As a vast number of the expenses had been actually incurred before there was a town council who could make a rate, the words "to be incurred" must be read as if they were "to be incurred after the passing of the act," and merely mean that a rate shall not be made to pay the expenses of the old corporation. In substance, a power is given to the council to make a rate for all purposes for which the existing borough fund may not be sufficient. What is to be done where there is no borough fund, as is the case in many places, if the construction contended for on the other side is to prevail. It is impossible *à priori* to calculate what sum will cover the disbursements directed to be made by the 92nd section. The case of *The King v. the Justices of Flintshire* differs from this, as that was a rate made to reimburse a party for an antecedent debt.

[ALDERSON, B.—The general principle is, that you cannot charge a man for services he has not had the benefit of, as where a party comes into a borough, and is applied to, to contribute to the expenses of the officers of a former year.]

By the 93rd section, all the accounts are to be annually published, for the benefit of the rate-payers, so that a person coming into a borough, may always know what liabilities he has to incur. By section 36, the first election of councillors is to be presided over by the old mayor; if the borough fund is not sufficient to meet the expenses incurred, a rate for that purpose must be retrospective, as all these expenses must be incurred in carrying into effect the provisions of the act.

(1) 5 B. & Ald. 761.

(2) 12 East, 556.

(3) 7 B. & C. 314; s. c. 5 Law J. Rep. M.C. 106.

[LORD ABINGER, C.B.—The only difficulty is in the first year: that appears to have been an oversight in the act.]

It is not disputed that many of these expenses were incurred before there was any council to make a rate. *The King v. the Chapel-wardens of Haworth* was decided on the ground that the chapel-warden was not bound to expend a shilling, until he had the money in his hands. But this is a different case.

[ALDERSON, B.—Here the words are clear; they would not have "to estimate" expenses already incurred; they are known and ascertained. The word "estimate" necessarily applies to future expenses. It must be concluded that the legislature supposed that in all places the borough fund was sufficient for expenses previously incurred.]

An overseer may make a rate to reimburse himself—*Tawney's case* (4).

[LORD ABINGER, C.B.—That is a power given by an act of parliament.]

More injustice will be done by making excessive rates to meet all contingencies, than by making retrospective ones. As to the expenses incurred before the election of town councillors, the rate of necessity must be retrospective.

LORD ABINGER, C.B.—We must construe the act according to its words, and not according to any inconvenience that may arise in any particular borough, otherwise there will be one law for one borough and another for another. We cannot reason *ab inconvenienti*, where the words are plain. The legislature intended the act to be general, and we cannot distinguish one case from another. If the words were not so clearly prospective, we might, perhaps, be allowed to consider such cases of inconvenience as have been suggested. The general inconvenience of a retrospective rate has long been recognized in the courts, and acted upon. Here the council are to estimate the expenses "to be incurred," not what "have been incurred," which are matters of mere calculation. I cannot read the words in any other sense than as prospective. Can we read the words "to be incurred," as if they were "have been

incurred"? I think not. This rate, therefore, is invalid, and judgment must be entered for the plaintiff.

BOLLAND, B.—I am of the same opinion. It seems the legislature supposed each borough had funds to meet past expenses, but, contemplating cases where the borough fund would not be sufficient, they direct what is then to be done. The town council, when elected, are to sit down and estimate, as well as they can, what will be the expenses for any given period of the year, and make a prospective rate to meet those demands. To put any other interpretation upon the act, would give parties an opportunity of leaving a borough, when expenses had been incurred, and before a rate was made to cover them; in which case, I see no method for compelling them to contribute to these by-gone expenses; but others, who succeeded them, might be rendered liable for the whole of the past year.

ALDERSON, B.—I think the act intended the rate to be prospective, and not retrospective. It could never be the intention to give a council the power, first to incur expenses, and then make a rate to meet them; but they are first to *estimate* the expense, and then levy a rate. This mode is much more likely to make a council economical, than if they first incurred the debt, and then provided the means to satisfy it. Out of the borough fund, the respective salaries of the town clerk and treasurer, and of every other officer whom the council shall appoint, are to be paid; so that, unless the rate is prospective, the council may impose the cost of heavy salaries on the borough, and leave to their successors the odium of levying the money to pay them. It seems to me, therefore, not only that the legislature have said that the rates shall not be retrospective, but have said so wisely.

Judgment for the plaintiff.

1837. } THE KING v. THE INHABITANTS
June 7. } OF MISTERTON.

Poor Law Act—Appeal—Examination.

A pauper was removed from S. to M, and a copy of his examination was sent with him, which stated that he was hired by Mr. D. P. to serve him for a year, that he went into his

service, and that he afterwards, on the application of his master, went and lived with Mrs. P. during the remainder of his year. A notice of appeal was served, and stated, that, on the facts set out in the examination, the pauper did not gain a settlement:— Held, that the respondents could not, at Sessions, give evidence to show that D. P. hired the pauper as the agent of his father; that the latter died, and that Mrs. P. was his widow, so as to enable them to contend that a settlement was gained.

This was an appeal against an order of two Justices of the county of Lincoln, whereby John Wood and his wife were removed from the parish of Stowe, to the parish of Misterton; when the Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

The pauper was removed from Stowe to Misterton, on the 13th of October 1834, and, pursuant to and as prescribed by the statute, a copy of the order, examination of the pauper, and notice, was sent to the appellants, and filed at the Sessions, according to the practice thereof. The words of the said examination, so far as relate to any settlement of the pauper, were as follows: "The pauper saith, that he is twenty-three years of age, and was born at Gainsborough, and that at Gainsborough Statute, before May-day 1829, he was hired by Mr. David Parkinson, of Thorrock, in the said parts, farmer, to serve him for a year, from May-day 1829 to May-day 1830, for 3*l.* 10*s.* wages; that he went into his service at Thorrock, at May-day, and when he had been there about a fortnight, his master informed him, that the servant of his mother, Mrs. Parkinson, of Misterton, in the county of Nottingham, did not suit her, and asked him if he had any objection to change places with Mrs. Parkinson's servant, and go and live with her instead of him; that the pauper said he had no objection, and without having any fresh agreement, he went to Misterton, and served the remainder of his year's service with Mrs. Parkinson, and at the end of the year, received of her 3*l.* 10*s.*, the amount of his wages." There were no grounds of removal, other than the above, stated in the order, examination,

or otherwise. The appellants had duly given notice of appeal, and, as the grounds of their appeal, stated in their notice that the said John Wood, the pauper, did not, in fact, gain a settlement in the said parish of Misterton, by reason of having been hired by Mr. David Parkinson, of Thorrock, to serve him for a year, from May-day 1829 to May-day 1830, and by reason of having served, first, the said David Parkinson, for a fortnight, in Thorrock, aforesaid, and afterwards the mother of the said David Parkinson, in Misterton aforesaid, for the remaining part of the said year, under the circumstances stated in the examination of the said John Wood, upon which the said order of removal was grounded, and that the contract of service with the said David Parkinson was dissolved on the said John Wood leaving the same.

The counsel for the respondents, in support of the order of removal, opened that he should prove a settlement in the appellant parish as follows: that the pauper was hired previous to May-day 1828, by David Parkinson the elder, father of the said David Parkinson, and husband of Mrs. Parkinson, hereinafter mentioned, to serve him, David Parkinson, from May-day 1828, for a year; that, at that time, David Parkinson, the elder, lived at Lea; that the pauper entered the service of David Parkinson, the elder, accordingly, and continued in his service until Lady-day 1829, when David Parkinson, the elder, quitted Lea, and took a farm at Thorrock, and also a farm at Misterton, the appellant parish, to which latter parish the said David Parkinson, the elder, himself, went to reside, with the said Mrs. Parkinson, and placed his son David at Thorrock, as his servant, to manage that farm. David, the elder, himself, never resided at Thorrock, nor did Mrs. Parkinson. The pauper continued in the service of David, the elder, but, by his direction, accompanied David, the son, to Thorrock, as the servant of David, the father. Shortly before May-day 1829, David, the son, as the agent of his father, hired the pauper to serve his father for another year from the May-day following, and the pauper continued in the service of David, the elder, at Thorrock, until he died, which event took place shortly after

May-day 1829. Shortly after his father's death, David, the younger, informed the pauper, that his mother, who continued to reside at Misterton, had a servant at Misterton who did not suit her, and proposed to the pauper to go to Misterton, and that that servant should come to Thorrock, which was accordingly done, and the pauper served out the remainder of the year at Misterton, under the original hiring, to David, the deceased, and was paid the *sl. 10s.* wages originally agreed upon, by Mrs. P.

The counsel for the appellants then objected to the counsel for the respondents going into this case, or giving evidence thereof, it not being stated in the order of removal, or examination, or notice of removal, or notice of appeal, and being different from the case the appellants had come to meet, and understood would be attempted to be proved by the respondents.

The Court, after hearing counsel on both sides, decided upon hearing the evidence, and confirmed the order, subject to the opinion of this Court, whether the respondents were at liberty to go into, or give evidence of the settlement of the pauper, as above opened by the respondent's counsel.

The appellants declined calling any evidence, or addressing the Court, on the ground that the respondents were not at liberty to go into, or give evidence of the case opened.

Gouldburn, Serj. and Wildman, in support of the order of Sessions.—The Sessions were right in receiving this evidence. The 4 & 5 Will. 4. c. 76. s. 81. provides that it shall not be lawful for the respondent parish, on the hearing of the appeal, to go into, or give evidence of any other grounds of removal, than those set forth in such order or examination. It was said, that the evidence given in this case shewed a different settlement from that contained in the examination. But that is not the case. The evidence explained, indeed, that examination, and made it intelligible, but did not set up any other settlement. The respondents may surely be allowed to supply other evidence to support their case, in addition to that which is contained in the examination, and to remove the ambi-

guities which may exist in it. That is all that was required in the present case. There is no ground for imputing any fraud in the respondents. *The King v. Kelvedon* (1), is an authority in support of this order of Sessions.

Whitchurst, contra.—The evidence was inadmissible. It contradicted the examination. That shewed that no settlement was gained at all, whereas the evidence established a very good settlement; so that it is a very different case from supporting the grounds of the removal by additional evidence. It would be most injurious to the appellants, who appealed on the facts set forth in the examination, if they are to be met by a new state of facts at the Sessions, of which they had no notice. Whether, if the grounds of removal had been general, any objection could have been made, may be a question; but if they be set forth in detail, the party must be bound by the statement—*The King v. Holbeach* (2).

Here he was interrupted by the adjournment of the Court; and the judgment of the Court was this day delivered by—

LORD DENMAN, C.J.—We need not hear Mr. Whitehurst further. It is a case in which a pauper had been removed, with a copy of his examination, which stated that he had been hired by a Mr. Parkinson, and had afterwards served with a Mrs. Parkinson. On that statement, notice of appeal was given, and the appellants stated as a ground of appeal, that no settlement appeared on the examination, which is obviously true. When the respondents came to the Sessions, they sought to give in evidence another state of facts, not, indeed, inconsistent with those set forth in the examination, but of which the appellants had no previous information. They proposed to shew that the David Parkinson mentioned in the examination, had acted as the agent of his father; and, therefore, that the service with his mother was a continuance of the original service, and that would make a good settlement. But we are all most clearly of opinion, that when the appellants have taken issue on the suf-

(1) 1 Nev. & Per. 138; s. c. *ante*, p. 1.

(2) 1 Nev. & Per. 137; s. c. *ante*, p. 5.

ficiency of the settlement, as stated in the examination, it is not competent for the respondents to introduce a new state of facts, which, if they had been communicated, would have induced the appellants, if they had found them to be true, not to appeal, or to be prepared with evidence to meet them. It is quite clear, that under the late act, such an alteration of the examination is quite inadmissible.

Order of Sessions quashed.

1837. { THE KING v. THE JUSTICES OF
May 25. { THE NORTH RIDING OF YORK-
SHIRE.

Bastardy—Notice of Order—Churchwardens of Township.

The church or chapel-wardens of a township are not overseers of the poor of that township, and need not sign the notice of an application for an order of maintenance, required by the 4 & 5 Will. 4. c. 76. s. 73.

Quære—Whether such a notice must be signed by all the overseers.

The Court will not take judicial notice of the duties and powers of an assistant overseer.

A rule nisi had been obtained for a certiorari to the Court of Quarter Sessions of the North Riding of Yorkshire to remove an order in bastardy made by the said Court upon Michael Underwood. The affidavits, in support of the rule, stated, that the notice required by the 4 & 5 Will. 4. c. 76. s. 73, was signed by the two overseers of the township of Egton, and was served upon him by the assistant overseer of the same township. On the application to the Court of Quarter Sessions, it was objected, that there were two churchwardens of the said township of Egton, and that they, as well as the assistant overseer, ought to have signed the notice. But the Sessions overruled the objection, and made an order of maintenance. It now appeared, that Egton is a township of the parish of Lyth, and a perpetual curacy, independent of the mother parish. It has its own church, and churchwardens, who were accustomed to take part in all the affairs relating to the management of the

poor of that township. It levies its own church-rate; and marriages, baptisms, and funerals, have always been performed in the said church of Egton.

Bliss now shewed cause.—The 4 & 5 Will. 4. c. 76. s. 72. empowers the Court of Quarter Sessions, on the application of the overseers or guardians of any parish, to make an order on the putative father of a bastard for its support; and section 73 provides, "that no such application shall be heard at such Sessions, unless fourteen days notice shall have been given, under the hands of such overseers or guardians, to the person intended to be charged with being the father of such child, of such intended application." It does not, therefore, in terms, require the churchwardens to sign the notice; but the interpretation clause, section 109, will be referred to, which enacts, "that the word 'overseer' shall be construed to extend to mean and include overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management of the poor, or in the collection or distribution of the poor-rate, assistant overseer or other subordinate officer, in any parish or union, who shall be employed therein in carrying this act or the laws for the relief of the poor into execution." Now, the churchwardens are not necessarily engaged in the management of the poor of all places. They are, in fact, mentioned in many acts as distinguished from overseers. The 43 Eliz. c. 2. speaks of churchwardens or overseers, and many statutes use the word "overseers" alone. The 56 Geo. 3. c. 139: uses that word throughout; and section 18 expressly extends to churchwardens the powers and provisions given to overseers: In the 2 Will. 4. c. 45, (the Reform Act,) and the 5 & 6 Will. 4. c. 72, (the Municipal Corporation Act,) various duties are prescribed to be performed, in which the churchwardens are not required to join. Then, if the churchwardens are not necessarily meant to be included in section 73; the interpretation clause cannot enlarge its meaning. Certainly, there is no advantage gained in requiring the signatures of so many persons. Then, secondly, this is not a case in which the interpretation clause requires the churchwardens to join, be-

cause it is not a case relating to the relief of the poor, nor to the distribution or collection of the rate. By the 18 Eliz. c. 3, the Justices have jurisdiction in bastardy; and the 6 Geo. 2. c. 31. s. 1. authorizes the overseers of the poor of the parish to apply for a warrant to apprehend the putative father; no mention being made of the churchwardens. Thirdly, it is sufficient if any one of the parish officers sign the notice. It is but a ministerial act, the object of which is to bring the party before the Sessions. It is not a matter which requires the exercise of any discretion, when a majority must concur—*The King v. Beeston* (1), *Grindley v. Barker* (2), and *The King v. Pascoe* (3). The case of *The King v. the Justices of Lancashire* (4), where it was held, that one overseer alone could not appeal against the allowance of constable's accounts, proceeded on the ground that the appeal would subject the parish to the payment of costs. In the present case, no costs arise in consequence of the notice, but only upon the application to the Sessions. Fourthly, the Court may presume, that the two overseers were a majority of the overseers at the time when the notice was given, because they will presume *omnia rite acta*. The statute 43 Eliz. c. 2. s. 2. requires the churchwardens and overseers, or such of them as shall not be let by sickness, or other just excuse, to act. The Court may presume that the other officers were prevented by sickness, or some other excuse, from joining in this notice, as in *The King v. Catesby* (5), where the Court drew a strong presumption in favour of a certificate. Fifthly, it appears that Egton is only a township, and not a parish; therefore, the churchwardens or chapelwardens of that place are not overseers; the statute of Elizabeth only makes the churchwardens of the parish overseers, and it is nowhere provided that churchwardens of a township are to be overseers. *The King v. Nantwich* (6), is an authority on this point for

the respondents. Lastly, as to the question of the non-joinder of the assistant overseer, there is nothing before the Court to shew that he has anything to do with the orders in bastardy; his authority is defined in his warrant, and that is not produced.

S. Temple, contra.—It is true that Egton is only a township, but it is in the nature of a parish. It is true that the statute of Elizabeth only speaks of parishes, but there are various statutes which speak of the churchwardens and overseers of parishes, townships, or places; and in *The King v. Nantwich*, Bayley, J., commenting upon the 8 & 9 Will. 3. c. 30, says, "that the legislature considered that the word 'churchwardens' would apply to a township as well as a parish. Perhaps it may be inaccurate so to apply it, for there may be no instance of a church for a township; but still, if there were a chapel within it, the legislature might think the word not inapplicable. The act, therefore, probably meant, that if there were persons within a township exercising a similar function to that of churchwardens, they should join." That observation is quite applicable to the present case. It was, indeed, decided in *The King v. Nantwich*, that it was sufficient, if the overseers of the township signed the indenture, but it was not shewn that there were any churchwardens or chapelwardens of the township. Here, on the contrary, it is shewn that there is a church where marriages, funerals, and baptisms are celebrated, and churchwardens regularly appointed. In answer to the argument, that the 73rd section only uses the word "overseers," the interpretation section is to be referred to; and then it will be found, that it includes the churchwardens. They are concerned in the management of the poor-rate; and, as the parish may have to pay the costs of the appeal, the churchwardens must be concerned in the procuring of orders of maintenance. Several statutes direct acts to be done by the churchwardens and overseers, but distinguish between them, and authorize either of them to act. Thus the 49 Geo. 3. c. 68. s. 5. directs the notice of appeal against the order of maintenance to be delivered to the churchwardens and overseers, or one of them. The bastardy

(1) 3 Term Rep. 592.

(2) 1 Bos. & Pal. 229.

(3) 3 Mau. & Selw. 347.

(4) 5 B. & Ald. 755; s. c. 1 D. & R. 454, nom. *The King v. the Justices of Manchester*.

(5) 2 B. & C. 814.

(6) 16 East, 298.

bond is made payable to the churchwardens and overseers. This, therefore, being a case where the law would require the churchwardens to interfere, they are to be intended in the term overseers in the 73rd section. It is said, that this is a ministerial act only; but it cannot be so treated; important consequences may follow, because the parish may become subject to costs. Surely it is a matter to be determined after deliberation, whether the notice of the intended application shall be given or not. The notice gives the Justices jurisdiction, and therefore it is more than mere process. This is exactly like the case of *The King v. the Justices of Lancashire*. It is supposed, that the signature of one is evidence of the assent of all, because they may agree that he shall sign for them; but the party who is charged can only learn from the notice itself whether all the overseers concur or not. As to the presumption that some of the parish officers might have been prevented from signing, it was incumbent on the respondents to prove that fact. Presumptions are not to be drawn to originate jurisdiction, but only where there is an existing jurisdiction. *The King v. Catesby* was a case of presumption made in favour of an instrument forty years old.

LORD DENMAN, C.J.—One of the numerous answers given by Mr. Bliss in this case is quite decisive. Not only have a majority of the overseers signed this notice, but, in my opinion, all of them have signed. In the first instance, the statute of Elizabeth applied to parishes only. Then came the statute of Charles 2, which authorized the division of parishes where the district was too large; but it makes no reference to either churchwardens or chapelwardens. Several subsequent statutes have been passed, from which it might be inferred, that the legislature thought that churchwardens have been appointed for all places where there are overseers. I do not know whether it might not have been intended that they should be applicable to those parishes only where there were churchwardens. But supposing that, in the drawing of subsequent acts, the legislature may have thought that a power had been given to the churchwardens of townships, we cannot infer that

they are thereby to be invested with the powers of overseers. It would be a very difficult matter to determine what the chapelry is of which the chapelwardens are to be overseers. It is, therefore, infinitely more convenient and more correct to say, that the statute of Charles 2. does not contemplate churchwardens of any township. Our decision is not inconsistent with the judgment of Bayley, J. in *The King v. Nantwich*. The Court only decided there, that it was not necessary for the churchwardens of the whole parish to join with the overseers of the township in the binding of an apprentice. The point in the present case did not arise, though Bayley, J. only said "that perhaps the churchwardens of the township might have been required to join, but that was granting the assumption that they are to act as overseers of the township." It is quite clear that the observation was unnecessary for the decision of that case, and therefore it does not raise any real doubt. Another objection is, that the assistant overseer has not joined in signing the notice. But he is appointed under a particular instrument, which specifies his duties. Therefore, to make this objection available, we ought to have been informed what his powers are. All that has been done, is perfectly right, and this rule must be discharged.

LITLEDAL, J.—It appears that Egton is not a parish. The statute of Elizabeth speaks of the churchwardens and overseers of the parish. Then the statute of Charles 2. directs the mode of appointing overseers of any township or village to be in the same manner as by the statute of Elizabeth; but it does not mention the churchwardens either of the whole parish at large or of the township. It is true, that the 17 Geo. 2. c. 8. speaks of the churchwardens and overseers of the poor of every parish, township, or place; but that does not alter the statute of Charles 2. in this respect; and it may be construed thus: churchwardens and overseers of the parish, where there is one, overseers of the poor of any place which is not a parish. With regard to the assistant overseer's not having joined in the notice, we do not know what are his powers.

PATTERSON, J.—This question arises on the construction of the 4 & 5 Will, 4. c. 76.

s. 73. Now, I wish to be understood as not giving any opinion as to the necessity of all the overseers signing the notice, because I consider that *all* the overseers have signed the notice in this case. But a similar point has been before the Court on the construction of the 81st section (7). The question is, who are the overseers of this township? It is said that the chapelwardens are. Now, the churchwardens of the parish at large cannot be the overseers of the township, and the chapelry may extend beyond the particular township; so that the churchwardens of the chapelry could only be overseers of the township where the chapelry and township were co-extensive; and in every case it would be necessary to have that fact determined. Of course that must be done, if it is considered that the statute of Charles 2. is to be held to include the churchwardens of the township as overseers. It is admitted, that there is no decision to that effect; but it is said, that other statutes treat the churchwardens of townships as overseers. No doubt the statutes, 9 Geo. 1. c. 8, and 17 Geo. 2. c. 3, speak of the churchwardens and overseers of parishes, townships, and places, which may mean churchwardens and overseers of parishes, but overseers only of townships. How that may be, I cannot tell; but it is hardly reconcilable with the 8 & 9 Will. 3. c. 30, which authorizes the overseers of any place, where there is no churchwarden, to sign the certificate. If, however, the construction contended for is to be put upon the statute of 9 Geo. 1. c. 8. s. 8, or of the 17 Geo. 2. c. 3, it may indeed be necessary that the notices required by those acts should be signed in that manner; but the statutes do not make the churchwardens of the township overseers thereof. It appears, therefore, that there are no overseers of this particular township, except those who have signed this notice, and the assistant overseer; and it was incumbent upon the appellant to shew that he had an authority to sign it.

Rule discharged (8).

(7) In the *King v. Kimbolton*, *ante*, p. 90.

(8) See the *King v. the Justices of Warwickshire*, *post*.

1837. } THE KING v. THE JUSTICES OF
June 8. } WARWICKSHIRE.

New Poor Law Act—Appeal—Notice.

A notice of the grounds of appeal, against an order of removal, signed by the majority of the overseers, and served upon one of the overseers of the respondent parish, is good.

At the last Michaelmas Sessions, for the county of Warwick, an appeal against an order of removal, from the parish of Norton Lindsey, in the same county, to the parish of Solihull, came on to be heard, when it was objected, that the notice of the grounds of appeal had been delivered to one person only, who filled the offices of overseer and churchwarden of the parish of Norton Lindsey; and the Court held, that this was not a due compliance with the 4 & 5 Will. 4. c. 76, and refused to hear the appeal. In Michaelmas term,

Daniel obtained a rule *nisi* for a mandamus to the Justices to enter continuances, and hear the appeal; against which cause was now shewn by—

Waddington and *Miller*, who took this additional objection, that the notice of appeal was signed by the churchwardens and four of the overseers of the parish of Solihull only, stating, that there was an assistant overseer of that parish, but his duties were not set forth in the affidavits. They contended, that the notice was bad, within 4 & 5 Will. 4. c. 76. s. 81, because it was not signed by all the overseers. By the interpretation clause, section 109, the term "overseer" includes an assistant overseer, and therefore he ought to sign the notice.

[*PATTERSON, J.*—Have you brought his warrant before us? We have determined, in the case of *The King v. the Justices of the North Riding of Yorkshire* (1), that we must be informed of the duties of the assistant overseer, and it must appear to be part of his duties to sign the notice; that was a notice on the bastardy clause, s. 73.]

Then it is necessary that all the overseers should join in giving the notice. The language of the clause is, "*the overseers or guardians*," or any three or more of such guardians;" which express provision as to the guardians, affords a strong argument against the sufficiency of the notice signed by a majority of the overseers only. *The King v. Beeston* (2) will be cited on the

(1) *Ante*, p. 110.

(2) 3 Term Rep. 592.

other side; but it is to be observed, that Lord Kenyon decided it on the provision contained in the 48 Eliz. c. 2. s. 1, which authorizes the majority of the parish officers to act. He has, however, made a mistake, for he has treated the statute of Elizabeth as containing the words, "churchwardens and overseers," whereas it is, in fact, "churchwardens or overseers." As to analogous cases, it was determined, that a notice to quit, signed by two only of three joint tenants, was insufficient—*Right v. Cuthell* (3); and the subsequent case of *Doe v. Summersett* (4), which appears to be contrary, proceeded on distinct grounds. In *Doe v. Chaplin* (5) it was determined, that where there was a notice signed by three out of four joint tenants, there could only be a recovery of three-fourths of the land. The second objection is, that the notice was sent to one only of the overseers of the respondent parish, whereas it ought to have been sent to all; for the interpretation clause says, "that the term 'overseer' shall include the overseers, churchwardens, and assistant overseer." In other statutes, the legislature has expressly provided, that notice to be given to the parish officers, may be given to the churchwardens and overseers, or any of them, as in the 41 & 42 Geo. 3. c. 23. s. 2, where there is an appeal against the poor-rate, and 49 Geo. 3. c. 68. s. 5, where there is an appeal against an order of affiliation. It will be contended, that these words are only *pro majori cautela*, but it seems to have been a necessary provision, according to the judgment of Taunton, J., in *The King v. the Justices of Norfolk* (6). That overseers are quite distinct persons, appears from *Malkin v. Vickerstaff* (7). Where premises are held by joint tenants, notice to quit, delivered to one, has been held, indeed, to be sufficient, because it is presumed that the notice will reach the other—*Doe v. Crick* (8), *Doe v. Watkins* (9); but no such presumption can be drawn in the present case.

(3) 5 East, 491.

(4) 1 B. & Ad. 133; s. c. 8 Law J. Rep. K.B. 369.

(5) 3 Taunt. 123.

(6) 2 B. & Ad. 944; s. c. 1 Law J. Rep. (N.S.) M.C. 12.

(7) 3 B. & Ald. 89.

(8) 5 Esp. N.P.C. 196.

(9) 7 East, 551.

Hayes and Daniel, contra, were stopped by the Court.

LORD DENMAN, C.J.—I have no difficulty in saying, that where there is no fraud, the service of the notice, signed by the majority of the overseers of the appellant parish, upon one of the overseers of the respondent parish, is good.

LITTLEDALE, J., PATERSON, J., and WILLIAMS, J., concurred.

Rule absolute.

1837. { THE KING v. THE POOR LAW
June 12. { COMMISSIONERS OF ENGLAND
AND WALES. (*In re* THE
WHITECHAPEL UNION.)

New Poor Law—Unions—Power of Commissioners.

The Poor Law Commissioners under 4 & 5 Will. 4. c. 76. s. 26, have power to unite parishes having local acts for the government of the poor, with other parishes, without the consent of the trustees or guardians, or rate-payers of such parishes.

In the course of last term, several rules had been obtained, calling on the Poor Law Commissioners to shew cause why writs of *certiorari* should not issue, to remove various orders of the commissioners, whereby they had ordered that several parishes should be united, and form unions according to the provisions of the 4 & 5 Will. 4. c. 76. s. 26. In many of these parishes so ordered to be united with others, to form the respective unions, there were local acts regulating the management of the affairs of the poor, under which acts, trustees or guardians had been elected, and the present applications were made on behalf of the parishes in the respective unions, which possessed such local acts, who objected to their being united with the others. Cause was not shewn in the first instance, but—

The Attorney General, Sir W. W. Follett, Wightman, and Tomlinson, were heard against the rules on a former day in this term: And—

Sir F. Pollock, Cresswell, Bodkin, and Thomas, were heard in support of the rules. There were some peculiarities in the circumstances of the different parishes, which were not considered in the argument, but the general point of the right of the com-

missioners to interfere with these parishes, was alone argued. The whole question turned upon a critical examination of the statute, which is fully detailed in the judgment of the Court.

On this day, the judgment of the Court was delivered by—

LORD DENMAN, C.J.—This was a rule calling upon the Poor Law Commissioners for England and Wales, to shew cause why a writ of *certiorari* should not issue, directing them to remove into this court a certain order under the hands and seals of the commissioners, dated the 21st of January, ordering that certain parishes, townships, and places should, on the 16th of February, be united, for the administration of the poor laws, by the name of the "Whitechapel Union," and that a board of guardians should be constituted under the provisions of the act of parliament. One part included in the union, was the Old Artillery Ground, which was governed by trustees under a local act of parliament; and the rule has been obtained by two trustees for managing the poor of the Old Artillery Ground.

It appears by the affidavits that the Poor Law Commissioners formed several different places into a union, called the "Whitechapel Union," and that in the Old Artillery Ground, the administration of the laws for the relief of the poor, had been managed under a local act of parliament; and the trustees who had been the managers now object to the order, as they say, that the general Poor Law Act does not authorize the commissioners to include those parishes or places where the management and relief of the poor had been administered under local acts. It will, therefore, be necessary to advert to some of the clauses of the act, to see whether their powers enable them so to unite parishes or places having local acts. The first fourteen sections relate to the machinery of the act, and it will not be necessary to refer to them.

The 15th section enacts, "That from and after the passing of this act, the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and controul of the said commissioners. It then goes on to state the power of the commissioners to make rules and regula-

tions for the management of the poor, but it does not contemplate any arrangement relative to the point before us.

The four next sections give general directions as to the rules and regulations.

The 21st section enacts—"That unless in cases otherwise provided for by this act, all the powers and authorities given in and by a certain act of parliament of 22 Geo. 3. (called Gilbert's Act,) and the 59 Geo. 3. (called Sturges Bourne's Act,) and all acts for amending such acts, and all the powers and authorities given by every other act, general as well as local, in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the controul, and subject to the rules, orders, and regulations of the commissioners; and the commissioners are entitled to attend the parochial boards and vestries, and to take part in the discussions, but not to vote at such board or vestry." This clause gives the commissioners the same jurisdiction over parishes governed by local acts, as they have over those parishes which have no local act.

The 22nd section also gives authority to the commissioners, in parishes governed under local acts; and after these, are several sections containing regulations for building, hiring, altering, and enlarging workhouses.

Then comes the 26th section, upon which the question turns. It enacts—"That it shall be lawful for the said commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union, and thereupon the workhouse or workhouses of such parishes shall be for their common use; and the said commissioners may issue such rules, orders, and regulations, as they shall deem expedient for the classification of such of the poor of such united parishes in such workhouse or workhouses, as may be relieved in any such workhouse; and such poor may be received, maintained, and employed, in any such workhouse or workhouses, as if the same belonged exclusively to the parish to which such poor shall be chargeable; but, notwithstanding such union and classification, each of the said parishes shall be

separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such work-house." The language of this section is as general as possible, making no exception as to parishes or places already under unions or under the controul of local acts. It must, therefore, be so interpreted, unless it should appear, by other parts of the act, that its operation was meant to be qualified, or unless it should be inconsistent or interfere with some prior act of parliament. When taking the whole of this act and the other acts together, and in considering how far the provisions of the latter act may interfere with the others, we agree with Lord Kenyon, in the case of *Williams v. Pritchard* (1), that "it cannot be contended, that a subsequent act of parliament will not controul the provisions of a prior statute, if it were intended to have that operation; but there are several cases in the books to shew, that where the intention of the legislature was apparent, that the subsequent act should not have such an operation, there, the courts of law, judging for the benefit of the subject, have held, that they ought not to receive such a construction," because, where it is apparent that the legislature intended to do one thing, the Courts will not do another, notwithstanding the words of the act may bear a different construction. In considering the question, how far the general provisions of one act of parliament are to be qualified by other acts, the principal object of a later act must be borne in mind. The great object of this act is to obtain an improvement in the management of the poor; and the legislature thought it was to be obtained by uniformity in the system. Perfect uniformity appeared to be difficult; but the object was, to come as near to it as could be, either by enactments to be carried into effect immediately or at some future convenient times; and the commissioners are invested with power for that purpose, and are to exercise such power as they may think fit. And no doubt it is a most material question, what parishes and places the commissioners are authorized by this section to unite; for whereas in former times, in the reign of Elizabeth, relief was directed to be administered to the poor by the churchwardens and overseers of parishes (2); and in the reign of

Charles 2. (3) by the overseers of townships and vills; yet afterwards the contrary course was thought more desirable, and the 22 Geo. 3. was passed, which, instead of dividing the administration of the poor laws into townships, authorized the union of entire parishes. But that could only be done by consent; and it is to be supposed that such unions were found beneficial, because, by the act in question, the commissioners are authorized "to declare so many parishes as they think fit to be united."

The 26th section having authorized the formation of a union, it is now to be considered whether the commissioners are prevented from including in a union any parishes or places already governed by local acts, directing in what manner they are to be governed, and which might seem to render unnecessary any order of the commissioners.

The 28th section directs the commissioners to make inquiry as to the expense of forming unions, as well as to future proportions of expenses.

The 32nd section is very material. The 26th having given power to form unions, the 32nd enacts—"That it shall be lawful for the said commissioners from time to time, as they may see fit, by order under their hands and seal, to declare any union, whether formed before or after the passing of this act, (except when united for the purposes of settlement or rating,) to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union, and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly; and the said commissioners shall, in every such case, frame and make such rules, orders, and regulations, as they may think fit, for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same; and every such union shall, after any such alteration, be constituted, managed, and governed as if the same had been originally formed in such altered state; and in case any union shall be wholly or partially dissolved as aforesaid,

(2) 43 Eliz. c. 2.

(3) 13 & 14 Car. 2. c. 12.

(1) 4 Term Rep. 2.

then the parishes constituting, or, in case of a partial dissolution, separated from, any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this act, as the said commissioners shall think fit: Provided always, that in every such case the said commissioners shall, and they are hereby required to ascertain the proportionate value to every such parish of such union of the workhouse, or other property held or enjoyed by such union, for the use of the poor or benefit of the rate-payers therein; and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same; and the said commissioners shall thereupon fix the amount to be received, or paid or secured to be paid, by every parish affected by such alteration; and the sum to be received, if any, by such parish, shall be paid, or, as the said commissioners shall direct, be secured to be paid, to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof, and of the expense attending such alteration; and the sum to be so paid, or secured to be paid, by every such parish, shall be raised under the direction of the said commissioners, by the overseers or guardians of such parish, or charged on the poor-rates of such parish as the said commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be: Provided always, that no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights or interests of third persons, unless such third persons, by themselves or their agents, shall consent in writing to such dissolution or proposed alteration or addition; and that no such dissolution, alteration, or addition shall take place or be made, unless a majority of not less than two-thirds of the guardians of such union shall also concur therein; and in every such case, when the said majority of the guardians of such union shall so concur in such pro-

posed alteration, the terms on which such concurrence shall have been given, if approved by the said commissioners, shall be binding and conclusive on the several parishes of such union." The mode of ascertaining the apportionments of expense is directed by the 28th and 29th sections; and it is to be observed, that consent is only to be required when unions are altered, and not when originally formed. All parishes were, therefore, under the contemplation of both sections, and must be considered as capable of forming part of a union; and if unions of parishes, under local acts, may be made part of a union under the act in question, so may a single parish.

The 32nd section prohibits a dissolution without the consent of two-thirds of the guardians.

The 38th section directs, that where any parishes shall be formed into a union, there shall be a board of guardians appointed. It is not necessary to go farther in remarking the circumstances connected with the union. It is worthy of observation, that the 26th section provides, that, notwithstanding the union, each parish shall be separately chargeable with and liable to defray the expenses of its own poor.

The 27th section enacts, "that in any union, any two Justices may direct relief to be given to any person not in the workhouse." The particular parish is to be chargeable with the relief, and it is not to be given out of the union fund; therefore, the parish guardians will be present to give this relief.

The 38th section enacts, "that workhouses shall be governed by the board of guardians;" evidently giving to the board of guardians the government of matters in connexion with the poor.

The 54th section is confined to the relief of the poor, having a local board, whether forming part of the union or incorporation or not, and orders that such relief shall belong exclusively to such guardians of the poor.

We do not feel it necessary to discuss the judgment we have pronounced on the 39th section (4), although we were pressed at the bar with the consequences of holding that this union was good, and were told that the effect of that judgment would be easily evaded, inasmuch as the commis-

(4) See *Rex v. Poor Law Commissioners*, ante, 41.

sioners would be at liberty to unite any parish having a local board; but we are not to assume that the commissioners will evade the law, or colourably unite a parish possessing a local board, merely because they have not the power to give them a new board of guardians as a single parish. The powers given by the 26th section are different in terms from the 39th section; and as we have said, we have no right to doubt, that both the one power and the other will be faithfully carried into execution. The vast and populous parishes, for which local constitutions have been enacted, stand in a different position from smaller parishes, which may be affected by Gilbert's Act. Whether it is or is not desirable that the former should remain single, there are obvious reasons for supposing that Parliament might have been unwilling to disturb what they there found established; but to withhold the power of uniting parishes which ought to be united, because they had local acts, might have the effect of preventing the operation of the new law over a large portion of the country. We find, accordingly, that the power to unite parishes is conferred by the 26th section without restriction, and is pointed at in several other sections. Upon the whole, therefore, we are of opinion, that the commissioners have exercised a lawful power, and that their order must be confirmed; and that the rules should be discharged in this and all the other cases.

Rules discharged.

Cresswell afterwards observed, that there was a peculiarity in one case, and that stands over to next term.

1837. } THE KING v. THE JUSTICES OF
June 12. } CORNWALL.

Poor—Appeal, Notice of—Time.

Where the Sessions were holden within twenty-one days after the order of removal had been sent from the removing parish,—Held, that it was not necessary to serve a notice of appeal for those Sessions.

On the 6th of June last, two Justices removed Mary Huddy and her children from the parish of Probus, in the county of Cornwall, to the parish of Kenwyn; and on the 7th, notice of chargeability, accompanied with a counterpart of the order,

and copies of the examination, were sent by the post to the overseers of Kenwyn, and were received on the 8th. The Quarter Sessions were holden on the 28th. No notice of appeal was given, and on the 29th the paupers were removed to Kenwyn. On the 3rd of October, notice of appeal, together with the grounds of the appeal, was delivered to the overseers; but the Court, at the ensuing Michaelmas Sessions, refused to receive the appeal.

A rule *nisi* for a mandamus to the Sessions to hear and determine the merits of the appeal, had been obtained; against which, cause was shewn in last term by—

Sir W. W. Follett.—The notice of appeal ought to have been given for the Midsummer Sessions. The statute 4 & 5 Will. 4. c. 76. s. 79, which requires that no removal shall take place until twenty-one days after notice of the pauper's being chargeable, does not alter the practice of entering the appeal according to the old law. By the 3 Will. & M. c. 11. s. 9, and 8 & 9 Will. 3. c. 30. s. 6, the appeal is to be to the next Quarter Sessions after the appellant shall find himself aggrieved. The appellants were aggrieved by the service of the order of removal in this case, as in *The King v. Alnwick* (1), where, indeed, it was held necessary to shew the original order; but the new act dispenses with that provision. The next sessions, means the next practicable sessions, and they were in this case the Midsummer Sessions, which were the next after the order had been sent. According to the practice, fourteen days' notice of appeal must have been given, and there was ample time to give this notice before those Sessions. The period of the twenty-one days has no effect upon the time for the appeal to the Sessions. *The King v. the Justices of Suffolk* (2) is not an authority in this case, because it only decides that the notice of appeal may be given after the 21 days have expired. It is a very different question, whether the time of appeal is to be extended beyond the time regulated by the Sessions.

Erle and *Montague Smith*, *contra.*—No doubt, the law remains unaltered in this respect, that the appeal must be made to the

(1) 5 B. & Ald. 184.

(2) 5 Nev. & Man. 503; s. c. 5 Law J. Rep. (n.s.) M.C. 3.

next practicable Sessions—*The King v. the Inhabitants of Sussex* (3), and *The King v. the Inhabitants of Dorset* (4); but they are not until after the lapse of the twenty-one days. The appeal is to be to the next Sessions after the parties feel themselves aggrieved. That took place formerly upon the actual removal of the pauper; but now, as there is not a removal, the grievance must be when the parish determined to appeal—*The King v. Norton* (5). They have twenty-one days to deliberate and determine, whether or not they will appeal; therefore, until that period had elapsed, no removal can be made, and no grievance can be felt.

[LORD DENMAN, C.J.—They might have entered their appeal at the next Sessions, and had it respited.]

They were not bound to do so—*The King v. the Justices of Devon* (6); and no benefit could result from such a proceeding. Surely there must be some time allowed to a parish to deliberate, whether they will appeal or not; and no case has decided what is to be considered a reasonable time for such purpose. But by the provision of the act, it must be taken, that though the parties may appeal within the twenty-one days, they are not bound to do so before that period has expired. *The King v. Alnwick* turned upon the proper construction of the 49 Geo. 3. c. 124. s. 2; and in *The King v. St. Marylebone* (7), it was held, that the appeal need not be made until the party was aggrieved.

Cur. adv. vult.

On this day—

LORD DENMAN, C.J., said—It is not necessary to go through the facts of this case; but we think that the notice was good.

Rule absolute.

1837. } THE KING v. THE RECORDER
June 6. } OF POOLE.

Borough Rate—Notice of Appeal.

A notice of appeal against a borough rate according to 5 & 6 Will. 4. c. 76. s. 92. must state expressly that the appellant is a party aggrieved, or that must appear by inference.

(3) 15 East, 206.

(4) Ibid. 200.

(5) 2 Stra. 831.

(6) 8 B. & C. 640; s. c. 7 Law J. Rep. M.C. 78.

(7) 13 East, 51.

Therefore a notice of appeal which began, "I, F. T. being a burgess, and being called upon to pay a borough rate, do give you notice," and contained no other allegation of grievance, was held to be insufficient.

Francis Turner intending to appeal against a borough rate, made by the mayor and council of the borough of Poole, on the 2nd of January last, served the following notice of appeal on the mayor, town clerk, and clerk of the peace, high constable, and the former town clerk of the said borough:—

"To the mayor and town council of the borough of Poole—I, F. T. being a burgess of the borough of Poole, and called upon to pay the rate or assessment hereinafter mentioned, do hereby give you and each and every of you notice, that I intend to appeal, and shall appeal at the next General Quarter Sessions of the Peace, to be holden in and for the said borough, on the 10th of April next, against a borough rate, at a meeting of the council of the said borough, held on Monday and Tuesday the 2nd and 3rd of January last, ordered and resolved to be raised for payment of the expenses to be incurred in carrying into effect the provisions of the Municipal Act. Dated," &c.

"To T. A., Esq., town clerk, to T. A., clerk of the peace, B. I., high constable, and R. H. P., Esq."

The appeal was entered with the clerk of the peace, but at the last Lady-day Sessions the Recorder refused to hear the appeal, on the ground that the notice was insufficient; and also refused to enter and respite the appeal to the next Sessions.

In last Easter term, a rule *nisi* was obtained by *Bingham* for a mandamus to the Recorder to enter continuances, and hear the appeal; against which, cause was shewn in the same term by—

Sir W. W. Follett and Barston (1).—The notice is defective, within 5 & 6 Will. 4. c. 76. s. 92, (2) as there is no express al-

(1) They first submitted, that it was doubtful whether Mr. Turner had a right to appeal at all, as by s. 92 of 5 & 6 Will. 4. c. 76, the Recorder or Justices were only authorized to award relief as in the case of an appeal against a county rate, and the statutes 55 Geo. 3. c. 51. s. 14. and 57 Geo. 3. c. 94. empowered only the churchwardens or overseers to appeal; but this argument was not pressed, as the objection had not been made at the Sessions.

legation, neither can it be collected by inference from the notice, that the appellant is aggrieved by this borough rate. The present case is therefore within *The King v. the Inhabitants of Essex* (3), *The King v. the West Riding of Yorkshire* (4), which were decisions on the Highway Act, and *The King v. the Inhabitants of Blackawton* (5), which is a decision on the County Rate Act,—which establish that the particular grievance to the appellant must be stated, or must necessarily appear on the notice. *The King v. the Justices of Somersetshire* (6) is not an authority for the appellant, because it only decided that enough appeared on the notice to satisfy the Court that the appellant was aggrieved. And in *The King v. the Justices of Westmoreland* (7), the notice did contain a specific allegation of a grievance upon the appellants. Here it is merely alleged, that the appellant is a burgess, and has been called upon to pay a borough rate. That may be, and yet he has not been aggrieved by the rate. It was contended, that the Recorder was bound to enter and respite the appeal; but the legislature have not given any such power, as in the case of appeals against orders of removal, where the 9 Geo. 1. c. 92. s. 8. authorizes the Court of Quarter Sessions to adjourn an appeal; and it might have been the intention that the appeal should be settled at once, and not adjourned. At all events, there can be no adjournment of an appeal until the Court is in possession of it, and here the Court was not in possession of the appeal. In *The King v. Justices of Westmoreland* the Sessions had possession of the appeal.

(2) Which, after authorizing the council of any municipal borough to impose a borough rate, enacts, that, "if any person shall think himself aggrieved by any such rate, it shall be lawful for him to appeal to the Recorder hereinafter mentioned, at the next Quarter Sessions for the borough in which such rate has been made; or, in case there shall be no Recorder within such borough, to the Justices at the next Court of Quarter Sessions for the county, within which such borough is situate, or whereunto it is adjacent, and such Recorder or Justices respectively shall have power to hear and determine the same, and to award relief in the premises, as in the case of an appeal against a county rate."

(3) 5 B. & C. 431; s. c. 5 Law J. Rep. M.C. 65.

(4) 7 B. & C. 679; s. c. 6 Law J. Rep. M.C. 69.

(5) 10 B. & C. 792; s. c. 8 Law J. Rep. M.C. 123.

(6) 7 B. & C. 681, n; s. c. 6 Law J. Rep. M.C. 116.

(7) 10 B. & C. 226; s. c. 8 Law J. Rep. M.C. 70.

[PATTERSON, J.—In *The King v. Kimbolton* (8), we determined that the Sessions have power to adjourn an appeal in all cases, when they are once in possession of it.]

The Attorney General and Bingham, contra.—First, this notice was sufficient. It appears that Mr. Turner is a burgess, and has been called upon to pay the rate. It might be inferred, that he is aggrieved by the rate, or, at least, that he thinks he is,—else why does he appeal? The statute does not require any precise form of notice, nor that the grounds of appeal should be stated; therefore, this notice, which only wants the formal words, "being a party aggrieved," ought to be held to be valid. The cases referred to, are on different statutes, and, therefore, even if they be rightly decided, ought not to govern the present case. In *The King v. Blackawton*, indeed, the observation now relied on was not necessary for the decision of the case. Secondly, the Recorder was bound to receive this appeal, as the Court decided in *The King v. the Justices of Wilts* (9), though he might have adjourned it or not, according to his discretion—*The King v. the Justices of Westmoreland*. Here he did not exercise any discretion, but simply refused to receive the appeal.

Cur. adv. vult.

On this day, the judgment of the Court was delivered by—

LORD DENMAN, C.J.—We have given great consideration to the arguments presented to us, and our opinions have somewhat differed at different times, but the result of our deliberation is, that we can put no other meaning on the words of this statute, than that which was put by Lord Tenterden and Mr. Justice Bayley, in the cases which were cited to us in the course of the argument. Therefore, we must hold, that the notice in this case, not stating that the appellant was a party aggrieved, is insufficient. I state this opinion with some degree of regret, but it is diminished by the consideration, that the omission which renders the notice insufficient, might have been easily supplied. The rule must be—

Discharged.

(8) *Ante*, p. 90.

(9) 8 B. & C. 380; s. c. 6 Law J. Rep. M.C. 97.

1837. { THE KING v. THE MAYOR AND
Jan. 31. { COMMONALTY OF THE CITY
OF YORK.

Poor Rate—Freemen's Common Rights.

*The freemen householders of one of the wards of the city of York were entitled to a right of common over lands, of which certain persons were seised in fee. By an act passed in 1817, commissioners were empowered to extinguish the right of common, and allot a portion of land to the mayor and commonalty of the city of York, free from all manorial rights, to be exclusively enjoyed by such freemen of the city as were before entitled to the right of common, and in the same manner as the right of common was enjoyed. The commissioners accordingly allotted a certain portion of land to the mayor and commonalty. Certain officers called pasture-masters were appointed at the wardmote of mayor and aldermen, and were subject to the wardens, one of whom was the mayor, and the others were the aldermen. The pasture-masters regulated the enjoyment of the rights of common, accounting to the wardens, and the expenses of keeping up the rights of common were defrayed by an annual sum paid by each freeman who exercised the right. The freemen had the exclusive right of pasture over the whole of the land allotted by the commissioners, and the mayor and commonalty received no money in respect of this right of common, nor derived any benefit from it in their corporate capacity; but the annual value of the rights of pasture was to the freemen 400*l.*, and the lands were worth to let 250*l.* a year. Part of the land had formerly been leased, and from the rents then received, a sum of money had been raised, by a portion of which five acres of land had been purchased and vested in trustees, for the freemen of this ward, in extension of their right of common:—Held, that the mayor and commonalty were properly assessed as occupiers of the land allotted to them by the commissioners, but not of the five acres conveyed to the trustees.*

This was an appeal against a poor-rate, made for the township of Heworth, in Yorkshire, by which the appellants were thus assessed:—

| The mayor and common- alty of the city of York, Monk Ward Stray . . . | Rental. | Assessment. |
|---|---------|-------------|
| | £177 | £5 18s. |

NEW SERIES, VI.—MAG. CAS.

The appeal was tried at the Epiphany Sessions for the North Riding, in 1835, when the rate was confirmed, subject to the opinion of this Court on the following

CASE.

The lands called Monk Ward Stray consist of 131 acres and 38 perches of land, situate near the city of York, and in the township of Heworth.

Before the passing of an act of parliament in 1817, (the 57 Geo. 3,) the freemen of the city of York, who were occupiers of houses within a certain division or ward of the said city called Monk Ward, were, together with certain other persons, entitled to a common of pasture and right of stray or average, and had immemorially used and enjoyed the same in and over a certain parcel of ground called Heworth Moor, of which G. A. T. esq., lord of the manor of Heworth, was then seised in fee; and also in and over a certain other farm or piece of land called Heworth Grange, of which the king was then seised in fee; and also in and over certain closes and other parcels of ground called Hall Fields, the Groves, Turnstile Close, and Margery Close, of which E. P. esq. and others were then seised in fee.

By the said act, commissioners were appointed and authorized to settle the value of the right of stray and average, and to allot (amongst others) to the mayor and commonalty, such parts of the parcels of grounds respectively as should be a compensation and satisfaction for the rights of stray and average of the freemen; and it was provided, that after the execution of that award, the right of stray and average should cease and be for ever extinguished, and the part so to be allotted and set out to the mayor and commonalty should be thereafter held by them, exclusively of any manorial rights or interests whatsoever of G. A. T. and the other owners and proprietors before mentioned, to be exclusively enjoyed by such freemen of the city residing in Monk Ward, as for the time being would have been entitled to right of common, stray or average, in and over the several parcels of land, in case the act had not been passed, and for such cattle, and under such regulations and restrictions as such freemen respectively did or were entitled to enjoy the same.

Q

By another act of parliament passed in the following year, 1818, (the 58 Geo. 3,) the commissioners were further authorized and required to lay out and apply certain surplus monies arising from the exoneration of the several parcels of land, (the subject of the inclosure,) from the right of common, stray or average, in the purchase of a further allotment to the mayor and commonalty, to be for ever exclusively enjoyed by such freemen as aforesaid, in the same manner as their previous rights of stray or average had been held and enjoyed.

The commissioners, by their award, dated January 16, 1822, allotted unto the mayor and commonalty the following allotments—viz.

| | A. | R. | P. |
|--|-----|----|----|
| An allotment from the common, containing | 68 | 3 | 0 |
| Another do..... | 18 | 0 | 18 |
| Another do..... | 31 | 0 | 0 |
| As purchasers from the devisees of Thomas Withers..... | 8 | 1 | 20 |
| | 126 | 0 | 38 |

The city of York is divided into four wards, of which Monk Ward is one. The freemen of each of the other wards respectively have rights of common or stray and average over certain other several parcels of lands situate near the said several wards respectively, in the same manner as the freemen of Monk Ward have over the lands in question.

By the custom of the city of York, a wardmote court of the mayor and aldermen is held annually, at which court four officers are appointed for each ward, who are called pasture-masters, and who adopt and enforce the necessary restrictions and regulations under which the freemen of the several wards exercise their respective rights of stray and average.

The pasture-masters perform the duties of their office with the assistance and under the superintendence of certain other officers called wardens. The lord mayor and aldermen are *ex officio* wardens of the wards, and the custom is, for three of the aldermen to act as wardens of each of the said wards severally, the lord mayor being, during the year of his mayoralty, a warden of all the wards. In matters of more than ordinary importance, relating to the several rights of stray, reference is made by

the several wardens to the select body of the corporation, called the Upper House, and consisting of the lord mayor, aldermen, sheriffs, and those who have been sheriffs, who possess a general controul over the wardens and pasture-masters with respect to the several rights of stray.

Pasture-masters have accordingly been annually appointed for Monk Ward since the passing of the acts of parliament, in the same manner as before, who, together with the wardens of Monk Ward, have appointed a person to be herdsman. The pasture-masters direct all the repairs of gates, fences, bridges, and the like. The herdsman's duties are to look after the cattle of the freemen, impound any found trespassing or depasturing contrary to the regulations and restrictions adopted by the pasture-masters, and to prevent cattle straying, and the like. He resides on the lands, in a cottage built for him thereon by the pasture-masters, and for which he, in all assessments previously to the one in question, has been assessed to the poor-rates, but these assessments have invariably been paid by the pasture-masters for the time being.

The wages of the herdsman, and all other necessary expenses attendant upon the care and management of the Monk Ward Stray, are defrayed by means of an annual sum paid by such freemen of the ward as aforesaid, for each head of cattle depastured. The amount of the sum so paid has always been from time to time fixed by the said pasture-masters, and paid to them by freemen. It has varied according to the amount of the annual expenses, from 7*s.* to 15*s.* for each head of cattle per annum; but during the year 1834, and for the six or seven years preceding, 10*s.* only has been paid annually for each head of cattle turned upon Monk Ward Stray, by the freemen to the pasture-masters.

The said pasture-masters have always rendered every year an account of their receipts and disbursements in respect of the Monk Ward Stray to the wardens of the ward, by whom such accounts have been regularly audited. Neither the wardens nor the mayor and commonalty of the city of York receive any money whatsoever on account of the Stray, nor turn any cattle thereon, nor derive any profit or

benefit whatsoever therefrom in their corporate capacity, nor in any other manner, except as any of them may be entitled as such freemen of Monk Ward as aforesaid.

During several years subsequently to the passing of the acts and the inclosure of the allotted lands called Monk Ward Stray, large expenses were incurred by the pasture-masters in the necessary annual expenses of maintaining and improving the same, for the exclusive enjoyment of the freemen; and for the purpose of raising funds requisite for such expenses, the wardens and pasture-masters did from time to time lease certain portions of the allotted lands to different persons for short terms of years, at adequate rents reserved to them, the wardens and pasture-masters.

From the rents so reserved, a large sum of money was raised, which was laid out partly in the necessary annual expenses of maintaining and improving the Monk Ward Stray, partly in the purchase of five acres of land, which was conveyed to trustees for the freemen, and partly in erecting a cottage for the herdsman, and a penfold.

Before the acts of parliament and inclosure, neither the mayor and commonalty, nor the pasture-masters or wardens, nor the freemen of Monk Ward Stray, nor any other persons, were ever rated to the poor in respect of the common of pasture and rights of stray or average over the lands, the subject of the acts and inclosure, nor were such parts as formed the open and uninclosed common called Heworth Moor, from which the said 117 acres 3 roods and 18 perches were allotted to the corporation, and now forming part of Monk Ward Stray, ever the subject of rate, but the allotment of 8 acres 1 rood and 20 perches to the mayor and commonalty, as purchasers from the devisees of Thomas Withers, was rated and paid rates to Heworth township previously to the purchase and allotment.

Since the acts, and inclosure and allotment, no rate has ever been paid to the township, in respect of Monk Ward Stray, by either the mayor and commonalty, or the wardens or the pasture-masters, or the freemen of Monk Ward, but during the continuance of the leases above mentioned, the lessees or occupiers thereunder for the time being were assessed towards the relief of the poor in Heworth township, the

rates in respect thereof being always paid by the pasture-masters, and also the five acres purchased as above mentioned were, previously to the purchase, rated, and paid rates to Heworth township.

The freemen of the city of York, who are occupiers of houses within Monk Ward, have, since the acts and inclosure, had in the manner above mentioned, the exclusive enjoyment of the lands in question so allotted and purchased, called Monk Ward Stray, subject to the same restrictions and regulations under which they previously exercised and enjoyed their rights of stray or average, so far as the same restrictions and regulations were not rendered inapplicable by the inclosure; and in the exercise and enjoyment of the rights, the freemen did, during the year 1834, turn upon the Monk Ward Stray their cattle, to the number of 200 head.

In auditing the accounts of the pasture-masters by the wardens, the balance has generally been in their favour, though in two or three years, on account of the extraordinary expenses, the balance has been against them, but in either case the balance has always been carried forward to the account of the succeeding year.

The ordinary expense of the care and management of Monk Ward Stray does not, however, at present exceed 50*l.* a year.

The land comprised in Monk Ward Stray is, as pasture land, worth to let by the year from 27*s.* to 3*l.* an acre, and would, in its present condition, let for an entire rent of at least 250*l.* by the year; but the right of common of pasture, and right of stray or average, exercised by the freemen over Monk Stray, by turning on yearly about 200 head of cattle, is worth, for every head of cattle, to each freeman turning upon the same, at least 2*l.* by the year.

The questions for the Court were:

First — Whether, under the circumstances above stated, there was such a beneficial occupation of the lands called Monk Ward Stray, or any part thereof, in the mayor and commonalty of the city of York, as to render them liable to the rate.

Secondly — If there was such a beneficial occupation in the mayor and commonalty, in what amount ought they to be rated?

The case was argued in last Michaelmas term.

Cresswell and *Alexander*, in support of the order of Sessions.—The mayor and commonalty of York occupy this land by the freemen in Monk Ward. The fee simple is in the corporation, and the pasture-masters and wardens are but the servants of the corporation. The freemen have only an exclusive right of common, and the case is within the principle established by *The King v. Tewkesbury* (1), *The King v. Sudbury* (2), and *The King v. Churchill* (3). The freemen are not rateable, for they have no occupation of the land. As to *The King v. Watson* (4), which may probably be cited on the other side, it is distinguishable, but if not, it cannot be supported, as is intimated by Bayley, J. in *The King v. Sudbury*. Then, secondly, the occupation is beneficial: a sum of 10s. is paid upon each head of cattle, and is received by the corporation through the hands of the pasture-masters, who are their officers, and the corporation dispose of it as they think fit. If there be any doubt upon the subject, the Court will support the present mode of assessment, which is by far more convenient than an assessment upon the individual freemen.

Bliss, contrà.—First, the appellants are certainly not the occupiers of the five acres purchased and conveyed to the trustees; and as to the 126 acres, the corporation are only in the same situation as they were before the Inclosure Act. At that time there was only a right of common, and the corporation had no title in the land, nor any occupation. Those acts may have made the freemen of Monk Ward tenants in common of the sole and separate pasture, as in *The King v. Watson*, and then they are the occupiers, but they have not made the corporation the occupiers. It is true, that at common law the freemen could not have held such a right, because they have no succession; but the right is given by the statutes, and hence the case of *The King v. Churchill* is inapplicable. Then the enjoyment by the freemen of Monk Ward is not the enjoyment by the corporation, for only a portion of the freemen can enjoy, and the corporation cannot put

on any corporate cattle, nor authorize any other persons to put on any cattle. Secondly, there is no beneficial occupation. The rule from all the cases is, that where the occupier actually receives the profits for his own use, or for the private use of others, he is rateable—*The King v. Tewkesbury*, *The King v. Sudbury*, *The King v. Agar* (5), *The King v. St. Giles, York* (6). But no occupier is rateable where no profits are attainable, or where he does not actually receive the profits himself, and to an extent exceeding the expenses of care and management—*The King v. Bedworth* (7), *The King v. Waldo* (8), *The King v. Woodward* (9), *The King v. St. Luke's* (10), *The King v. St. Bartholomew the Less* (11), *The King v. Munday* (12), *The King v. Green* (13), *The King v. Salter's Load Sluice Navigation* (14), *The King v. the Trustees of the Liverpool Dock* (15), *The King v. Jodrell* (16). Here there are no profits receivable by the corporation, for the annual payments are not any return of profits from the land, but a collection established by way of a corporate regulation to defray the costs of the care and management. There was no doubt a beneficial occupation while the land was leased out, and then rates were levied and paid, but the leases have expired, and the balance acquired by those leases has been expended. It is true there is a small balance now in hand, but a balance must be taken *communibus annis*—*The King v. Hull Dock Company* (17), and then it will be found that the appellants have little or nothing in hand. The present case resembles that of a lord of a manor who is assessed for the

(5) 14 East, 256.

(6) 3 B. & Ad. 573; s. c. 1 Law J. Rep. (N.S.) M.C. 50.

(7) 8 East, 387.

(8) Cald. 358.

(9) 5 Term Rep. 79.

(10) 2 Burr. 1033; 1 W. Bl. 249.

(11) 4 Burr. 2435.

(12) 1 East, 584.

(13) 9 B. & C. 203; s. c. 7 Law J. Rep. M.C. 94.

(14) 4 Term Rep. 730.

(15) 7 B. & C. 61; s. c. 5 Law J. Rep. M.C. 145.

(16) 1 B. & Ad. 403; s. c. 9 Law J. Rep. M.C. 26.

(17) 5 Mau. & Selw. 394.

(1) 13 East, 155.

(2) 1 B. & C. 389.

(3) 4 B. & C. 750.

(4) 5 East, 480.

waste; he is entitled to have a deduction for the rights of the commoners to depasture thereon—*Kempe v. Spence* (18), and if all the profit thereon be consumed by the commoners, he is not rateable at all—*Lord Bute v. Grindall* (19). It is clear there is no benefit over and above the freemen's rights of common. If the land were offered by the corporation to be let, subject to this right of common, what rent could be obtained? Clearly nothing. That is the true criterion—*The King v. Lower Milton* (20). If, then, the corporation be the occupiers of this land, they certainly are not the beneficial occupiers.

Cur. adv. vult.

On this day the judgment of the Court was delivered by—

LORD DENMAN, C.J.—From the statement of the case it appears in substance that before the passing of an act of parliament in 1817 (57 Geo. 3), the freemen of the city of York, who were occupiers of houses in one of the wards called Monk Ward, were entitled to the right of stray and average over a parcel of ground called Heworth Moor, and some other parcels of ground, of which certain persons in the said act named were seised in fee. And by the said act commissioners were empowered to extinguish the said right of stray and average, and to assign in lieu thereof a parcel of land to the mayor and commonalty of the city of York, free of all manorial rights, to be exclusively enjoyed by such freemen of the said city as were before entitled to such the right of stray and average before mentioned, and in the same manner as the said right of stray and average was enjoyed. The said commissioners, by their award, bearing date the 16th of January 1822, did accordingly set out to the said mayor and commonalty 117 acres 3 roods and 20 perches, which together with 8 acres 1 rood and 20 perches and 5 acres, (which fall under a different consideration from the rest,) amounting to 131 acres and 28 perches of land, form the subject of the present rate. These lands, it is stated, are worth 250*l.* a

year to let, but in the exercise of the said right of stray and average by the said freemen, 200 head of cattle are yearly turned on the said lands, and the right in respect of each head of cattle is worth 2*l.* a year. It must be observed therefore in passing, that there exists in this case property clearly rateable in its nature, although it may still turn out, upon the former examination of the case, either that no person is rateable, or, as has been contended, that at all events the mayor and commonalty are not rateable. It further appears from the statement, that, for the regulation of the rights of the freemen of Monk Ward, officers are appointed at the wardmote of the mayor and aldermen, called pasturemasters, who are themselves subject to other officers, called wardens, of whom the lord mayor is always one, the rest being aldermen. Then follows the statement upon which the whole question turns,—“that the said mayor and commonalty receive no money on account of the said stray, nor turn any cattle thereon, nor derive any benefit in their corporate capacity, nor in any other manner, except as any of them may be entitled as such freemen of Monk Ward as aforesaid.”

Founded upon this statement, the argument addressed to us has been, that whatever may be the case with the individuals deriving benefit from turning cattle on the lands in question, the corporation is not rateable: and in support of it various cases have been cited, which, whether distinguishable from the present or not—we think they are,—furnish instances of exemption from rateability. The cases referred to were—*The King v. St. Luke's Hospital*, *The King v. Field* (21), *The King v. St. Bartholomew's Hospital*, *The King v. Waldo*, *Lord Amherst v. Lord Somers* (22), and *The King v. Salter's Load Sluice Navigation Company*; to which might have been added *The King v. Sculcoates* (23), *The King v. the Trustees of the Liverpool Dock*, and *The King v. the Trustees of the River Weaver* (24).

Of these cases the last-mentioned seem

(18) 2 W. Bl. 1244.

(19) 1 Term Rep. 338.

(20) 9 B. & C. 810; a. c. 8 Law J. Rep. M.C. 57.

(21) 5 Term Rep. 587.

(22) 2 Term Rep. 372.

(23) 12 East, 40.

(24) 7 B. & C. 61; a. c. 5 Law J. Rep. M.C. 102.

to have the strongest bearing upon the present; the others very slightly, if at all, resembling it. The hospitals and the charitable institutions, which were the subject of consideration in the cases first alluded to, are wholly distinguishable from one where, beyond dispute, rateable property is beneficially occupied. In *The King v. St. Luke's Hospital* and *The King v. Field*, an attempt was made to rate persons occupying apartments, for the purposes of the establishment in each instance; but the attempt failed, with some warmth of expression on the part of Lord Kenyon in the latter case, because the residence of the persons being necessary, and there being no accommodation beyond that necessity, it must be considered on the same footing as that of the unhappy inmates in the one case, and the charity children in the other. The cases of *The King v. St. Bartholomew's Hospital* and *The King v. Waldo* fall under the same consideration. In the case of *Lord Amherst v. Lord Somers* the only point decided was, that the occupation of property for the public service cannot become the subject of a rate; and such was the case there, because the property in question (stables) was applied to the use of a regiment of horse guards exclusively, the plaintiff not having had a single horse kept in it. It is to be observed, however, that when in any case the accommodations are more than requisite for the due performance of public duty, such extra occupation is rateable—*The King v. Terrott* (25).

The case of *The King v. Salter's Load Sluice Navigation Company*, which is the foundation upon which the others above referred to rest, if this subject had now for the first time been considered, might have created some doubt in the present case: for it is certainly true that Lord Kenyon in his judgment, and indeed very much as the reason for it, relies upon the fact that the parties rated "were bare trustees, without any interest;" and he refers to the case of *The King v. St. Luke's Hospital*, as similar in principle. The cases of *The King v. the Trustees of the Liverpool Dock* and *The King v. the Trustees of the River Weaver* may be considered as depend-

ing upon that case. In *The King v. Sculcoates* there was the further difficulty, that no profit appeared to arise in the place where the rate was imposed. In these cases, however, the tolls or dues received were, by the acts of parliament in each case directly applied to certain specific purposes, and diverted from the controul and management of the trustees. Neither the trustees nor anybody else derived any benefit from the money received. They, therefore, (the trustees,) in each of those cases neither derived any benefit, nor could be considered as trustees for others who did;—a circumstance which distinguishes those cases from this now under consideration.

But if the authorities to which we have lastly been referring had borne more directly upon the present case, and had admitted of still less distinction, it would have been impossible to have acted upon them without overturning others, equally well considered, (as we think,) and decided upon this very subject. And we are clearly of opinion, when we bear in mind the importance of abiding by those decisions, when once made and recognised, so that a corresponding practice may probably have grown up through the country, and, moreover, consider the ease and convenience of this mode of rating, when compared with the assessment of the individuals benefited, that we ought not, except under the pressure of the strongest arguments and the clearest reasons, to depart from what has been decided and done already. We shall doubtless be understood as now alluding to the cases of *The King v. the Trustees for the Burgesses, &c. of Tewkesbury* and *The King v. the Mayor, &c. of Sudbury*, cited in the argument, and from which we think the present case cannot substantially be distinguished. In the former case the rate was imposed upon the trustees of the Severn Harn, a meadow in the borough of Tewkesbury, over which, before the passing of an act of 48 Geo. 3, the burgesses and certain occupiers within the borough had a right of common for a portion of the year. By the said act this right was suspended, and the aftermath, over which the said right had been exercised, was vested in trustees, who were empowered to let the aftermath, and they had taken in cattle to

agist at so much a head. The profits were to be divided amongst those persons who would have been entitled to right of common before the passing of the act. The trustees, therefore, in that case, received no benefit; but this Court held that they were properly rated.

In the latter case the rate was upon the mayor, aldermen, and burgesses of Sudbury, in respect of a piece of pasture land called Portman's Croft. There also, as in the present instance, the land was vested in the corporation, and the enjoyment of it resembled, in many particulars, what takes place with respect to the land in question. Persons entitled to turn on cattle paid a stipulated fine, according to regulations from time to time made, for each head of cattle. This payment was made to the treasurer of the corporation, and the profits, after deductions, were distributed among poorer burgesses, who had, but did not, on account of poverty, exercise a right of depasturing cattle. In that case, therefore, the trustees received money, not for their own use or benefit, but expressly for the benefit of others. This Court, however, fully approving of and acting upon the authority of the case of *The King v. the Trustees for the Burgesses of Tewkesbury*, confirmed the order of Sessions, confirming the rate made upon the corporation. The case of *The King v. Watson* was then, as it has now been, strongly pressed in argument; but it was there distinguished, and we think properly, because in that case of *The King v. Watson* the decision proceeded upon the ground that the temporary ownership seemed to have been given up to the three persons mentioned in that case, and that therefore they were properly rateable, as the exclusive occupiers of a certain portion of the land. The occupation of the appellants, though not the same precisely, is similar to that in the two cases cited. The pasture-masters are appointed at a court of the mayor and aldermen. The wardens are the mayor and three aldermen. The pasture-masters regulate the enjoyment of the stray, and direct the repairs of bridges, gates, and the like: they hire a herdsman, and have paid the poor-rate for the house in which he lived. It also appears that during the time

that the stray, or part of it, was let to tenants, such tenants were assessed to the poor-rates, and the same were paid by the pasture-masters.

Upon the whole, we are of opinion that the mayor and commonalty of the city of York are properly rated for the relief of the poor in the township of Heworth, within which the lands lie, except, as before mentioned, the five acres mentioned in the case, which are not, like the rest, vested in the corporation, and from an assessment upon which they ought to be relieved, by an amendment of the rate in that respect.

The question of amount is entirely for the Sessions.

Order of Sessions confirmed.

IN THE EXCHEQUER OF PLEAS.

1837. }
May 31. } YOUNG v. GROVE.*

Highway—Tothill Fields Act—Repairs.

Section 122 of the Tothill Fields Act, 6 Geo. 4. c. 134, does not alter the general liability of inhabitants within the limits of the act, to repair, &c. the roads within those limits; and, therefore, where certain premises consisted of a dwelling-house and stable, which adjoined to and communicated with the Vauxhall Bridge Road, and of garden ground in the rear, which was walled in, and (together with one end of the stable) adjoined to and communicated with a street called Wheeler Street, the street and road forming an angle at the corner of the stable, and the whole of the premises were within the limits of the Tothill Fields Act:—Held, that they were liable to be rated by the trustees of that act.

This was a special case for the opinion of the Court, whether the plaintiff was liable to be rated by the trustees of the Tothill Fields Act, 6 Geo. 4. c. 134, for certain premises occupied by him under the Dean and Chapter of Westminster, in the parish of St. John the Evangelist, Westminster. The premises consisted of a dwelling-house and stable, which ad-

* This case is reported by C. S. Whitmore, Esq.

joined to and communicated with the Vauxhall Bridge Road, and of garden ground in the rear, which was walled in, and (together with one end of the stable) adjoined to and communicated with Wheeler Street, the street and the road forming an angle at the corner of the plaintiff's stable. The Vauxhall Bridge Road was made by certain proprietors, under the provisions of stat. 49 Geo. 3. c. 142; and upon them is imposed the duty of repairing the road, (section 46,) of lighting it, (section 113,) and of watching and guarding it, (section 114). They have also the power of erecting turnpikes, (section 89,) and are directed to employ the fund thence arising in repairing, lighting, and watching the roads under their controul, (section 123). Wheeler Street is repaired and cleansed by the trustees of the Tothill Fields Act, whose jurisdiction, power and authority are, by section 2 of that act, made to extend over and apply to "all lands, grounds, houses, and buildings, and to all streets, roads, ways, passages, courts, and places, within certain limits therein particularly described, and the line whereof twice crosses the Vauxhall Road;" and it was agreed, that the premises in question were within such limits.

By section 72, periodical assessments are directed to be made by the trustees, for certain specified purposes, "upon all and every person who shall inhabit, hold, use, occupy, possess, enjoy, &c., be entitled to any chapel, &c., house, shop, warehouse, coach-house, stable, cellar, vault, building, workshop, manufactory, garden-ground, land, tenement, or hereditament whatsoever, or any part or portion of any house, building, land, tenement, or hereditament, being a separate tenement, situate, lying, and being in any of the roads, streets, or places, or (1) within the limits of the act, according to the yearly value thereof." By section 88, the trustees are empowered to include in any assessment "all houses, buildings, and ground, adjoining to and communicating with any street, road, &c., which shall be paved, repaired, cleansed, lighted, and watched, under the

provisions of the act, although such houses, &c. may not be comprised within the limits of the act mentioned."

Section 122. provides, that nothing therein contained shall operate to place under the jurisdiction of the trustees, all or any part of the highway or road called the Vauxhall Bridge Road; but the same and every part thereof shall remain, continue, and be subject to the powers and provisions of stat. 49 Geo. 3. c. 142.

Platt, for the plaintiff.—The Company of Proprietors of the Vauxhall Roads undertake to repair these roads, and are empowered to exact tolls for that purpose. The plaintiff in effect paves through them, and but for that he would be rateable. It would be an extreme hardship if he were liable to this assessment. The part which abuts upon Wheeler Street is subordinate, and should follow the principal, which lies upon the Vauxhall Road. Neither is that part a separate tenement within section 72. And section 122 contains an express exclusion of the Vauxhall Road from the jurisdiction of the trustees of the Tothill Fields Act.

Jervis, contra, was not heard.

Per Curiam.—By the 2nd section of the Tothill Fields Act, the jurisdiction of the trustees extends over all lands, &c. within certain limits therein described; and it is admitted, that the place in question is within those limits; and even if the frontage to the Vauxhall Bridge Road were beyond their jurisdiction, still, by section 88, it is brought within it, as the side towards Wheeler Street *communicates* with it. Then, is there any express exclusion of such a house by section 122? That section does not take away the general liability of the inhabitants within the limits, any more than it would take away the liability of a person who might be bound *ratione tenuræ* to repair a road, on one side of which his premises abutted. The Vauxhall Bridge Act gives the inhabitants an advantage as to the roads within its operation; and the Tothill Fields Act does not relieve them from their general liability.

Judgment for the defendant.

(1) The word "or" supposed to have been inserted in the act by mistake.

1837. { THE KING v. ANDREW BOURNE,
May 27. { FRANCIS BOURNE, AND A.
 HOWARD.

Criminal Law—Practice, on Reversal of Judgment.

The Court of Quarter Sessions sentenced three persons, convicted of burglary, to be transported:—Held, on a writ of error, that that judgment was erroneous; and that, as this Court had no power to pronounce the right judgment, the prisoners were entitled to be discharged.

This was a writ of error, on a judgment of the Court of Quarter Sessions for the county of Monmouth, on an indictment against the three prisoners, charging them with a burglary, of which they had been found guilty by the jury, and the Court had sentenced Andrew Bourne to be transported for seven years, and the other two to be transported for life. The error assigned was, that the judgment was erroneous, and the prisoners prayed to be discharged: the Attorney General had joined issue on the assignment of error.

Peacock appeared for the prisoners, and proposed to argue, that the judgment was erroneous; but—

The Attorney General admitted, that it was so; and prayed the Court either to pass the proper sentence upon the prisoners, or to remit the record to the Court of Quarter Sessions, that they might do so.

Peacock, *contra*.—The Court cannot adopt either suggestion; but must order the prisoners to be discharged. The Court below cannot pass a judgment now, for they have already performed their duty—*The King v. Baker* (1); and though *The King v. Kenworthy* (2) might, at first, appear to be an authority in support of their power to do so, when it comes to be examined it will be found not to warrant that position. In that case, the record was remitted to the Sessions, in order that the proper sentence might be passed; but, in fact, no judgment had been given by that Court; and therefore it was remitted. Here, a judgment has been given. Where a record is brought up, on a writ of error, for a de-

fect in the pleadings, and judgment of reversal is given, the party is discharged—*The King v. Lookup* (3), *The King v. Ellis* (4).

[PATTERSON, J.—And so, also, in *The King v. Nicholl* (5).]

Then, secondly, this Court cannot pass any judgment upon these prisoners. Lord Tentarden, indeed, in *The King v. Kenworthy*, says, "There is no doubt, that, at common law, where the punishment is not discretionary, the record of an inferior court may be removed into this court, and we may pronounce judgment." That was an extra-judicial opinion; but still it does not affect the present case: because, although, by the 7 & 8 Geo. 4. c. 29. s. 11, the judgment on a conviction of burglary is death, yet the 4 Geo. 4. c. 48. enables the Court which tries the prisoner to remit that sentence, and not to pass sentence of death upon such prisoner. It is quite clear, that this Court cannot have any knowledge of the facts of the case, which will enable them to ascertain the proper judgment to be given. Some analogy may probably be drawn from the rule in civil cases. It is laid down, in *Parker v. Harris* (6), and *Baker v. Lade* (7), that, where the judgment has been given below for the plaintiff, and the defendant brings error, there can only be a judgment of reversal; but, where the plaintiff brings error, the Court shall not only reverse the judgment of the Court below, but shall give such judgment as that Court should have given.—See also *Bac. Abr. 'Error,'* (M.) 2. The prisoners here are in the same situation as the defendant on the writ of error. Another argument arises from the fact, that a judgment may be reversed on error, after the death of the convict, by his heir, as was done in *The King v. Walcott* (8), when, of course, no fresh judgment can be given. Here there has been a joinder in error, without which the prisoners would have been entitled to their discharge—*The King v. Howse* (9); and the

(1) Carth. 6.

(2) 1 B. & C. 711.

NEW SERIES, VI.—MAG. CAS.

(3) 3 Burr. 1901.

(4) 4 B. & C. 395; s. c. 5 Law J. Rep. M.C. 1.

(5) 1 B. & Ad. 21; s. c. 8 Law J. Rep. M.C. 112.

(6) 1 Salk. 262.

(7) Carth. 254.

(8) 4 Mod. 395.

(9) 3 N. & M. 462.

Attorney General did not pray, that this Court should pass a judgment on them.

The Attorney General.—No doubt, although the Court of Quarter Sessions had jurisdiction to try this offence, the judgment which they pronounced was erroneous. But this Court, to prevent a failure of justice, will either remit the record to the Sessions, that the right judgment may be passed, or will pronounce it themselves. This judgment, in fact, is a nullity; no such judgment could by law be given; and, therefore, it is unlike the case of *The King v. Ellis*, where the Court below had imposed too long a term of imprisonment. It is nearer to *The King v. Nicolls* (10), and *The King v. Kenworthy*.

[PATTESON, J.—I do not understand that case. It is said, that there was no judgment; yet a writ of error was brought. That could not be, unless there had been a judgment.]

But, if it cannot be remitted, this Court, in the exercise of its supreme controul over all criminal matters, will pass the proper sentence. They are bound to give the right judgment on the record which has been brought before them—*Le Brett v. Papillon* (11). In *Com. Dig.* 'Pleader,' 3, (B, 20), it is laid down, that if the judgment upon writ of error be reversed, the Court who reverse it shall give the same judgment generally, as the inferior Court at first ought to have given. In many instances, the records have been brought into this court, and the judgment has been passed here—*The King v. Athoe* (12). In *The King v. Garside* (13), execution was here awarded on a judgment in a court below; and, surely, if execution may be awarded, a judgment may be pronounced. This is not a case where the judgment is discretionary, as it was in *The King v. Ellis*. The Court does not require any other information than the record affords, to enable them to pass the proper judgment. The rule in civil actions is not applicable; for there is no analogy between these different proceedings. As to the statute 4 Geo. 4. c. 48, that gives no discretion; it merely

alters the form and mode of pronouncing the judgment, leaving the legal effect entirely the same.

Peacock replied.—In the cases referred to, where the record was sent back, no judgment had been given. But the Court of Quarter Sessions have no power now to amend their judgment; if they had, there must be two records, which cannot be allowed.—See *The King v. Walcott* (14).

[PATTESON, J.—In *Gildard v. Gladstone* (15), the Court seem to have repudiated the distinction between the cases where the writ is brought by the plaintiff or by the defendant.]

The principle established by that case is, that the defendant, who brought the writ of error, was entitled to have all that ought to have been awarded to him in the court below.

[PATTESON, J.—Then the judgment is not merely a judgment of reversal.]

The Attorney General referred to *Street v. Hopkinson* (16), to shew, that, notwithstanding an improper prayer of judgment, the Court will give the right judgment.

LORD DENMAN, C. J.—This is a writ of error, on a judgment in the Court of Quarter Sessions, upon the prisoners, for a crime in respect of which none but a capital judgment could be given. The record having been removed before us, the learned counsel for the prisoners has pointed out the error in the judgment, and has prayed, that these prisoners may be discharged. Two courses have been suggested to the Court in answer—either to remit the record to the Quarter Sessions, that they may pass the right sentence; or, that we should take upon ourselves to pronounce the correct judgment. In regard to the first, it is clear we have no power to do it. We cannot say, that no judgment has been given. If, as in the case of *The King v. Athoe*, it had been left to us, we might have passed the proper sentence. But, as a judgment has been given, and the prisoners have questioned it, we cannot send the record back again. Then the question is, whether we can pass the judgment ourselves, seeing that the pri-

(10) 2 Stra. 1227.

(11) 4 East, 502.

(12) 1 Stra. 553.

(13) 2 Ad. & El. 266; a. c. 4 Law J. Rep. (n.s.) M.C. 1.

(14) 4 Mod. 395.

(15) 12 East, 668.

(16) 2 Stra. 1055; a. c. Ca. Temp. Hard. 345.

soners have been convicted of the offence. On that point, it seems to me, that *The King v. Ellis* is a decisive authority, and that we have no such power. I do not find any authority to shew that we have, and that case is very like the present. [His Lordship stated the facts of it.] It was argued by my Brother Parke, on behalf of the Crown, and he did not contend, that the judgment could be pronounced by this Court. The judgment of the Court was delivered by the Chief Justice on all the three points, after time taken for deliberation. Now, the present point was not taken by such a counsel and such a Court; and if it could have been supposed, that this Court could pronounce the right judgment, we cannot think that they would have neglected to do so. It appears to us, therefore, that this judgment is conclusive; and that we are bound to say, the prisoners must be discharged.

LITTLEDALE, J.—This judgment is erroneous; and the question is, what is to be done on the conviction? Are we to send the record down to the Sessions, that they may pronounce the right judgment; or, are we to pronounce it ourselves? The former is not the proper course. It was done, indeed, in *The King v. Kenworthy*; but, there, no judgment had been passed in the court below; and the record was remitted, that that Court might give judgment upon it. Here, however, the Court below have exercised their office, and all their authority is gone. Then, can we amend this judgment by pronouncing that which ought to have been given? It is stated, in 2 *Hawk. P.C. c. 50*, "that it is said, by Sir Edward Coke (17), if the judgment be erroneous, both that and the execution thereon, and all former proceedings, shall be reversed by writ of error; but, if the execution be erroneous, that only shall be reversed." Now, though he only says, that the proceedings shall be reversed, he must be understood to mean, that they are done away with altogether. It is not said, that this Court can pronounce the right judgment. Mr. Peacock has referred to the cases where a distinction is pointed out between writs of error brought by the plaintiff and by the defendant; but,

without determining whether there is any real distinction or not, though it may be observed, that that case in *East* may throw some doubt on former decisions, it seems to me that we are in the same situation as the Court were in *The King v. Ellis*. It was not suggested there, that the Court had any authority to pronounce the right judgment.

PATTERSON, J.—The first question is, whether any judgment has been passed at all by the Court of Quarter Sessions. If not, the case of *The King v. Kenworthy* is an authority (though it is somewhat stronger than the present, there being a discretion there as to the amount of punishment,) that this Court, seeing that no judgment has been given, will send the record back to the Sessions, that a judgment may be given. That, in effect, is a quashing of the writ of error. We might do so here, if we were satisfied that no judgment had been given; but we cannot treat this record as though no judgment had been pronounced. The Court of Quarter Sessions had jurisdiction over this crime, and if we were to admit this argument, it would be applicable in cases of erroneous judgment in inferior courts. Then is the record to be sent to the Sessions, that they may pass the right judgment? There is no case in which, when it was shewn that a Court has passed an erroneous judgment, the record has been sent back to that court. It is true, that a record is sent from the Exchequer Chamber in order that the judgment may be enforced, but that is because that Court wants proper means of enforcing it. This cannot be sent back to the Sessions to pass a fresh sentence.—The next question is, whether this Court can pass another judgment on the prisoners. On that point I certainly entertain some doubt. According to the case cited from *Salkeld*, there is a distinction between writs of error in civil cases, brought by a plaintiff and by a defendant. There is an anonymous case in *Salkeld*, 401, which certainly seems the other way. It is said, that if a judgment be below for the plaintiff, and error is brought, and that judgment reversed, yet if the record will warrant it, the Court ought to give a new judgment for the plaintiff; but if the judgment be erroneous, and against the plaintiff on the merits of

the cause, that ought to be reversed, and no new judgment given for the plaintiff. It is not stated, however, by whom the writ of error was brought, whether by the plaintiff or the defendant. If by the former, he may have obtained the judgment to which he was entitled. However, in *Gildart v. Gladstone*, Bayley, J., remarking on this point, states, that this case is contrary to *Parker v. Harris*. But still there is no decision; for the judgment in *Gildart v. Gladstone* is not inconsistent with the observation in *Parker v. Harris*. As to the cases where no judgment at all has been pronounced, they are not in point, because here the record is brought up to this Court complete. No case has been cited where a judgment given below has been reversed, and this Court has given the proper judgment. In the cases referred to in *Burrow* and in 1 B. & Ad. 21, (*The King v. Nicholl*) there was an error in the indictment. Therefore, if the rule which is laid down generally in *Com. Dig.* is to prevail, still it does not necessarily apply to the present case. For here the question does not arise on the indictment, nor on the verdict. I should therefore have felt some doubt; but the case of *The King v. Ellis* comes in aid. Of course, if this point had been then argued, the decision would have concluded us: but it was not argued. Nevertheless, looking at the persons who did argue that case, and who delivered the judgment, I think it is an authority upon which we can act. I do not decide this case at all on the 4 Geo. 4. c. 48, for that only provides for a matter of form.

The prisoners were discharged.

IN THE EXCHEQUER OF PLEAS.

1837. } *FILBY v. COMBE, DELAFIELD,*
May 29. } *AND DELAFIELD.**

Scavenger, Right of—Paving Act.

The right of scavengers, under the statute 57 Geo. 3. c. 29, to the soil, ashes, and other things specified in the act, does not attach, unless the original owner or householder has abandoned his property in them.

* This case is reported by C. S. Whitmore, Esq.

This was a special case, upon which the question for the opinion of the Court was, whether the defendants were justified in the removal of certain partially consumed coal, dust, cinders, and ashes, from premises occupied by them, in the parish of St. Martin, to other premises in the parish of St. Giles, under the following circumstances:—

By the 57 Geo. 3. c. 29. s. 59, it is enacted, "that the commissioners, trustees, or any other persons having the controul of the pavements within the jurisdiction of the act, may agree with any person or persons to be the scavenger or scavengers of the streets and public places within the district; and such person or persons, on a certain day, in every week, and oftener, when required by any three or more of the commissioners or trustees, &c., shall bring convenient carriages into the public streets, and shall give notice of their approach, and shall take and carry away from the respective houses and premises of the inhabitants or occupiers their soil, ashes, cinders, rubbish, dust, dirt, and filth, and all which the said scavengers shall take and carry away at their own costs and charges, upon pain of forfeiting a sum of 40s.; and it is also enacted, that, if any person shall refuse to permit such soil, ashes, &c., to be taken away by the scavengers so appointed, every such person shall forfeit 5*l*." Then follows a power to the commissioners to appoint different persons to collect and to possess the soil, ashes, &c., as they shall deem expedient; "but that the right and benefit of such soil, ashes, &c. shall belong exclusively to the person or persons who shall be by the commissioners as aforesaid appointed to collect and possess the same, anything in any local act of parliament or in that act to the contrary notwithstanding."

The plaintiff in the action was the contractor for cleansing the streets and public places in the parish of St. Martin-in-the-Fields, in the county of Middlesex, with the commissioners having the controul of the pavements within that parish. The defendants were brewers, carrying on business as well in that parish as in the parish of St. Giles. The small coal used in the furnaces of the brewery in St. Martin's, would, when the fines were raked or

stirred, pass in a partially consumed state into the ash-hole, and become intermixed with the dust, cinders, and ashes, arising from the same fires. In that state, not being strong enough for the fires of the brewery, the defendants were in the habit of removing such intermixed coal and dust, &c., to their other premises in St. Giles's, where it was used for purposes of a different kind: after which, the dust, cinders, and ashes, from thence arising were from time to time taken away by the scavenger of the parish of St. Giles.

Godson, for the plaintiff, contended, that the right of the contractor, in the parish of St. Martin, attached the instant the dust, &c. was taken from the brewery; and, that if this were otherwise, the benefit intended by the statute, and which was given as a compensation for the duty imposed on him, might be taken away by the easiest evasions. Thus, if the removal were allowed in this case, it might equally be allowed, whenever any alleged use existed elsewhere, such as by spreading the cinders, &c. on a field, or garden ground, in a different parish. Cases of this kind had frequently come before the Magistrates at sessions, who had always treated them as being within the act.

Sir W. Follett, contra, was stopped by the Court.

LORD ABINGER, C.B.—The duty and the right of the scavenger exist only as to such soil, ashes, &c. as the householders are willing to part with. This is not enacted in express terms, but must be implied, in like manner as was implied in the Statute of Charles, which made a party removable who came to settle on a tenement worth less than 10*l.* a year; yet it was construed not to make a person removable from his own property, whatever might be its value.

PARKER, B.—Looking at the context, it is evident, that such things only are intended to belong to the scavenger as the owner himself treats as rubbish, &c. If he chooses to use them differently, he may do so, either on his own premises or elsewhere. The right of the scavenger only attaches when they are in the condition of rubbish, &c. If they are in any other condition, such as to be convertible into fuel, or used for any other purpose by the

owner, and he has not abandoned his property in them, then the right of the scavenger does not attach.

IN THE EXCHEQUER OF PLEAS.

1837. }
May 6. } COHEN v. HUSKISSON.*

Constable—Breach of the Peace, What amounts to.

To a declaration in trespass for an assault and false imprisonment, the defendant pleaded a noise, disturbance, riot, and breach of the peace by the plaintiff, and that, to preserve the peace, he, the defendant, gave the plaintiff into the custody of a policeman. No riot was proved, but a large concourse of persons were shewn to have assembled, and much abusive language to have been used by the plaintiff, in the presence of the policeman:—Held, a sufficient breach of the peace to justify the policeman in taking the plaintiff into custody, and taking him before a Magistrate.

Trespass for assaulting the plaintiff, taking him to a police station-house and imprisoning him.

Pleas—first, not guilty; secondly, as to assaulting the plaintiff, and compelling him to go through the streets to the station-house, and imprisoning him there, and taking him through the streets to the public police-office, and again imprisoning him; that the defendant was possessed of a dwelling-house and shop in St. Mary, Whitechapel, in the county of Middlesex, in which he carried on the business of a baker, and that the plaintiff, just before the said time when, &c. had been and was in the shop of the defendant, and made a great noise and disturbance therein, and insulted and abused the defendant, and disturbed and disquieted him and his family in the possession thereof, in breach of the King's peace, and hindered and obstructed the defendant in the carrying on his business in his shop; and that the plaintiff, just before the said time when, &c. had departed from the shop of the defendant into the public street, there, imme-

* This case is reported by John Deedes, Esq.

diately in front of the dwelling-house and shop of the defendant, and just before the said time when, &c. continued to make a great noise and disturbance in front of the same, and continued to insult and abuse the defendant, and caused a large concourse and mob of persons to assemble and remain and continue opposite the dwelling-house and shop of the defendant, and greatly disturbed the defendant in the possession of his shop, and hindered and obstructed him in his business, in breach of the King's peace, and caused and created a great riot and disturbance in the street, whereupon the defendant civilly requested the plaintiff to cease such his noise and disturbance, and creating such riot, and go from the house and shop of the defendant, which the plaintiff refused to do, but still continued to make such noise and disturbance; whereupon the defendant, to preserve the peace, and restore order and tranquillity, sent for certain police officers, and requested them to remove the said plaintiff from before defendant's house and shop, and the police officers then civilly requested the plaintiff to cease his noise, riot, disturbance, and abuse, and go from the house and shop of the defendant, which the plaintiff refused to do; and because the plaintiff so refused, and persisted in remaining before the house of the defendant, and making such noise, riot, disturbance, and abuse, and hindering and obstructing the defendant, he, the defendant, to preserve the peace and restore tranquillity, gave charge of the plaintiff to the police officers, and desired them to take him to the police station-house. The plea then alleged that the police officers took the plaintiff to the station-house, and from thence, by order of the defendant, to a public police-office; and that the plaintiff was examined before the Magistrates concerning the premises, who admonished the plaintiff for his riotous and disorderly conduct, and discharged him.

To this there was the general replication *de injuriâ*.

There was a similar count in the declaration for assaulting the plaintiff's wife, and a similar plea.

The cause was tried before Gurney, B. at the Middlesex Sitings in last Easter term, when the jury found a verdict for the

plaintiff on the general issue, and for the defendant upon the special plea.

Crowder, for the plaintiff, now moved for a new trial, on the ground of misdirection. There was no riot proved at all, and that being out of the question, the learned Judge told the jury that if they believed the defendant's witnesses, they had proved a justification.

[*PARKE, B.*—The proper mode to ascertain this would be, to strike out what relates to the riot, and see whether the plea would be good without it, and then whether sufficient facts were proved to support it.]

A breach of the peace is also charged; but, though there was a concourse of persons, none interfered at all in the dispute between the plaintiff and defendant, and no other breach of the peace was proved than an assembly of persons, and a continuance of abusive language.

[*PARKE, B.*—The question is, whether all these persons standing together, and stopping up and obstructing the way, does not amount to a breach of the peace?]

The question is, whether enough of this plea was proved, not whether a plea might not have been framed to meet the case. Though all the allegations need not be proved, it is necessary to establish such parts of the plea as will amount to a justification—*Timothy v. Simpson* (1). The Court will not carry these cases further than the present decisions. There was no evidence that any one spoke or interfered but the plaintiff and defendant.

Platt, contra, relied upon *Ingle v. Bell* (2).

LORD ABINGER, C.B.—I am of opinion there was no misdirection in this case. I think a breach of the peace was proved. Mere abusive language will not make a breach of the peace; but if a mob is brought together by these means, and is increasing in consequence of the abusive language, the mob may become inflamed and excited, and execute the vengeance which the angry parties are directing; and if such a proceeding is not checked in its earliest stages, it frequently leads to very

(1) 1 Cr. M. & R. 757; s. c. 4 Law J. Rep. (N.S.) M.C. 73.

(2) 1 Mee. & Wels. 516; s. c. 5 Law J. Rep. (N.S.) M.C. 85.

serious tumults. Here the defendant sent for the policeman to remove the plaintiff and his wife, and he, on his arrival, advised them to go away, which they refused to do, and still continued the abusive language, and the mob of persons was still increasing. I think the policeman was then entitled to interfere of his own authority, and it makes no difference that the defendant requested him to do so. Now, all this is stated in the plea, omitting all about the riot. If, then, they had gone away, the police officer would have had no business to take them into custody, but if they will not, he can only take them before a Magistrate, which was done in this case, when they were discharged. I think there was sufficient ground for the direction given by the learned Judge to the jury, and that no rule should be granted.

PARKE, B.—I am also of opinion that there was no misdirection in this case. The plea is good upon the face of it. But it is said, the police officer had no power to interfere, as no riot was proved; then we must strike out of the plea what relates to the riot and the defendant's shop, and see whether there is a sufficient statement of a breach of the peace; and, on looking at the plea, I think there is. It has been held, that a constable is not warranted in taking a person into custody for a mere assault, unless he is present at the time, and interposes with a view to prevent a breach of the peace—per Eyre, C.J. in *Coupey v. Henley* (3). In *Ingle v. Bell*, the statement in the plea, that the defendant was forced to interfere in order to preserve the peace, was held good after verdict. I think in this case there is a sufficient averment that a breach of the peace was committed. I also think the calling of the defendant a swindler and a rogue, and the continuance of this language, with the persons collecting in consequence, was a breach of the public peace, sufficient to justify the police officer, not only in removing the parties, but in taking them before a Justice.

The rest of the Court concurred.

Rule refused.

(3) 1 Esp. 540.

1837. } THE KING v. THE GUARDIANS
May 6. } OF THE ASTON UNION.

Guardians of the Poor—Quo Warranto, When it will not lie.

The Court refused to grant a quo warranto information against guardians of a union, elected under the New Poor Law Act.

The Poor Law Commissioners, in the commencement of this year, ordered a union to be formed of several parishes, in the county of Warwick, to be called the Aston Union, and an election took place, and certain persons were declared to have been elected guardians.

Chilton now moved for an information in the nature of a *quo warranto*, against certain of the guardians, on affidavits, stating that they had not been duly elected, persons having been allowed to vote who were not duly qualified. That a *quo warranto* would lie in such a case, he cited *Com. Dig. 'Quo Warranto,' A—The King v. Boyle* (1)—*The King v. Nicholson* (2), where it was held, that a *quo warranto* would lie where any new jurisdiction, or any public trust, was created. This is an office of great public trust. In *The King v. Beedle* (3), the Court held, that a *quo warranto* would lie against commissioners under a local act.

[LORD DENMAN, C.J.—That is one case. There was a subsequent case of *The King v. Ramsden* (4) in 1835, which was very much considered, and where it was decided, that a *quo warranto* information would not lie against governors and directors of the poor.]

They were elected under the local act; the present guardians have been elected under an act, which makes general provisions for the whole of the kingdom.

[PATTESON, J.—We have determined that a *quo warranto* will not lie against an overseer.]

There is no other remedy if this application be not open.

[PATTESON, J.—A *quo warranto* does not lie because there is no other remedy.]

[LORD DENMAN, C.J.—We cannot de-

(1) 2 Lord Raym. 1559.

(2) 1 Stra. 299.

(3) 3 Ad. & El. 467.

(4) Ibid. 456; s. c. 4 Law J. Rep. (N.S.) M.C. 65.

part from the decision in *The King v. Ramsden*.]

Per Curiam—

Rule refused.

1837. { THE KING v. THE TRUSTEES OF
June 12. { THE MILDENHALL SAVINGS
BANK.

Mandamus—Savings Banks—Reference to Arbitration.

Where the clerk to a savings bank embezzled money of the bank, and a depositor was thereby prevented from drawing out his deposit, the Court granted a mandamus to the trustees and managers to appoint an arbitrator to settle the dispute as to his right to recover against them under the 9 Geo. 4. 92. s. 45.

In 1818, a savings bank was established at Mildenhall, in Suffolk, under 57 Geo. 3. c. 130, whereof Sir H. Bunbury and others were trustees, who, with various other gentlemen, were managers of the bank. One Gill was appointed to be the clerk in 1818, but in 1825 he absconded, having embezzled a large sum of money, the property of the different depositors. He was taken, prosecuted, and convicted. An action was brought in 1832, in the Court of Common Pleas, by a depositor named Crisp against certain trustees, to recover the amount of his deposit, but that Court decided, that no action was maintainable, as the remedy was by an arbitration (1). In conformity with that decision, a rule nisi was obtained in 1835, directed to five of the trustees and managers of the bank, calling upon them to appoint an arbitrator in the matter of one John Brett, another depositor, who had lost his money, and had applied to the trustees for repayment. It appeared by his affidavit, that he had appointed his referee. Against that rule cause was shewn in Hilary term, 1836, by—

B. Andrews, for some of the managers. —This application is made under 9 Geo. 4. c. 92. s. 45 (2), but that section does not

(1) *Crisp v. Bunbury*, 8 Bing. 394; s. c. 1 Law J. Rep. (n.s.) C.P. 112.

(2) Which enacts, "That if any dispute shall arise between such institution, or any person acting under them, and any individual depositor therein, or any executor, administrator, or next-of-kin, or credi-

torize it. This is not a dispute arising between the institution and the depositor, but between him and the trustees themselves, who are not acting under the institution.

[LITLEDALE, J.—What are they but the institution?]

They existed before it was formed, and it is to be inferred from section 8 that they are distinct from the institution, because that provides that the money of the institution should be vested in the trustees for the institution; sections 2 and 10 point out also a distinction between the trustees and the institution.

[LORD DENMAN, C.J.—The 6th section mentions treasurer, trustees, and managers, but it is not necessary that the trustees should have existed before the formation of the institution.]

In *Crisp v. Bunbury* certainly it was held that no action was maintainable against the trustees personally; and, it was said indeed, that the remedy was by arbitration, but that was beyond what was necessary for the decision of the case then before the Court.

Storks, Serj. and *Moody*, in support of the rule, relied upon the case of *Crisp v. Bunbury* and *Ex parte Jones and others* (3), where the trustees of a savings bank were allowed to prove against the estate of the actuary the amount of monies belonging to the bank, which he had embezzled; and contended, that this was a dispute between the institution and the depositor, which might properly be referred to arbitration. They referred to *The King v. the Cheadle Savings Bank Trustees* (4), and *The King v. Witham Savings Bank Trustees* (5).

tor of any deceased depositor, or any person claiming to be such, the matter so in dispute shall be referred to the arbitration of two persons, one to be chosen and appointed by the managers of such institution, and the other by the party with whom the dispute arose; and, in case the arbitrators so appointed shall not agree, then such matter in dispute shall be referred in writing to the barrister-at-law, so to be appointed by the commissioners as aforesaid, who shall receive a fee of not more than 1*l.* 1*s.*, and whatever award, order, or determination shall be made by the said arbitrators, or the said barrister, shall be conclusive without an appeal."

(3) 2 Mont. & Ayr. B.C. 193.

(4) 3 N. & M. 418; s. c. 1 Ad. & El. 323; 3 Law J. Rep. (n.s.) M.C. 84.

(5) 3 N. & M. 413; s. c. 1 Ad. & El. 321; 3 Law J. Rep. (n.s.) M.C. 85.

On this day—

LORD DENMAN, C.J., after observing that the case had stood over a long time, said—the reasoning of the Court in the case in 8 Bing. is very strong, and we cannot see any ground for reversing that judgment. The power of reference to arbitration is of great importance to the body of depositors; therefore, although there be some doubt whether the trustees could be made personally liable, we think the rule for the *mandamus* must be—

Absolute.

IN THE COURT OF CHANCERY.

V.C.

Jan. 22, 1836.

L.C.

May 6, 9, 27;

June 1, 4, 1836.

Jan. 18, 1837.

EWING v. OSBALDISTON.*

Justices—Licence—Theatre—Partnership for Illegal Purposes.

No theatre, which is within twenty miles of London or Westminster, but not within the liberty of the city of Westminster, nor at a place where the King resides, can have a patent or licence granted for the exhibition of ordinary theatrical representations.

Therefore, an agreement for a partnership for the exhibition of ordinary theatrical representations, at a theatre within twenty miles of London, but not within the city of Westminster, nor at a place where the King resides, is an agreement for an illegal purpose; and consequently, will not be enforced by a court of equity.

A full report of this case, before the Vice Chancellor and the Lord Chancellor, will be found in 6 *Law J. Rep.* (N.S.) *Chanc.* 161. It appeared, from the bill and answer, that the Surrey Theatre was situated in the parish of St. George the Martyr, in Southwark (which is not within the city of Westminster); that in 1831 the residue of a lease, granted to Mr. Elliston, was purchased by the defendant; that negotiations and an agreement for a partnership were

* As this case relates to the powers of Justices in granting licences, it is thought useful for their information and guidance to insert it here.

entered into between the plaintiff and the defendant; that the theatre was opened in Dec. 1831; and that the performances exhibited were of the ordinary description of theatrical representations. The prayer of the bill was, that proper articles of partnership might be settled by the Master, or the partnership dissolved, and the partnership property sold; for an account of the profits, and the appointment of a person to manage the theatre, &c. The defendant first put in a general demurrer, on the ground, that such a partnership as was referred to in the bill was illegal, but this demurrer being overruled by the Vice Chancellor, as it did not appear that the Surrey Theatre was not within the privileged district, he put in his answer, in which he set forth that fact, and also, that the theatre had been licensed in pursuance of the act 25 Geo. 2. c. 36, for music and dancing, and other entertainments of the like kind, but had no letters patent from the Crown, or licence from the Lord Chamberlain.

Sir William Horne and *Mr. Stuart* for the plaintiff.

Mr. Knight, Mr. Beames, and Mr. Carpenter, for the defendant, relied upon certain letters which the plaintiff received from the defendant, informing him of the plays which were performed at this theatre, and which were evidently such as were prohibited by the 10 Geo. 2. c. 28, and they insisted that its local situation precluded the possibility of its having a licence or patent for performing plays. They cited—

Parsons v. Chapman, 5 Car. & P. 33.

Gallini v. Laborie, 5 Term Rep. 242.

The King v. Glossop, 4 B. & Ald. 616.

The King v. Neville, 1 B. & Ad. 489;

s. c. 9 Law J. Rep. M.C. 107.

De Begnis v. Armistead, 10 Bing. 107;

s. c. 2 Law J. Rep. (N.S.) C.P. 214.

Otley v. Browne, 1 B. & Beat. 360.

THE VICE CHANCELLOR.—When the matter of the demurrer was argued, it appeared to me, that the Surrey Theatre, if it were without the liberty of the city of Westminster, and not within the particular privilege, the royal privilege, and so on, was one of the theatres which, as the law stood, could not be licensed for the representation of dramatic entertainments

in the common sense of the words—that is to say, for the representation of such plays as ‘Hamlet,’ ‘Richard the Third,’ and ‘Othello,’ in the common notion of acting tragedy. Of course I do not advert to any sort of supposed alteration in the known character of the performance, by means of having any kind of subdued music during the time the tragedy was in course of representation; that ought to be treated as a mere trick, and the substantial thing ought to be regarded—namely, the representation of the tragedy. I think it is impossible to say, that this theatre, being only licensed under the 25 Geo. 2. c. 36, is such a theatre in itself as could be allowed to represent such plays as I have mentioned. It really appears to me, that the parties meant to engage in a theatre which should represent plays, in which there should be actors, and in which the whole business should not be music and dancing, (for that is the point,) and that the intention was to carry on a theatrical partnership, in a manner which, as I understand the law, is illegal. It appears to me, therefore, that this is not a case in which there was any partnership, legally constituted; and, therefore, there was none that can be carried on; neither is there any that can be dissolved.

Bill dismissed, with costs.

From this decree the plaintiff appealed, and the same line of argument was pursued, when the cause was heard before the Lord Chancellor.

Jan. 18, 1837.—The LORD CHANCELLOR read several of the letters which had passed between the plaintiff and defendant, and referred to the evidence in the cause; and said it was clearly shewn, that the defendant was aware, before he concluded the agreement for the partnership, that the performances were to consist of tragedy, comedy, and all the usual theatrical representations, which could not legally take place without a patent from the King, or a licence from the Lord Chamberlain, which had not been and could not be granted to this theatre, on account of its local situation. His Lordship then referred to the various acts of parliament relating to this question, and stated the result to be, that no letters patent or licence from the Lord

Chamberlain, nor any licence from the Sessions, by virtue of the 28 Geo. 3. c. 30, could be granted for the performance of any tragedy, comedy, opera, play, farce, or other entertainment of the stage, in any theatre within twenty miles of London, except in the city of Westminster, or the liberties of it, or where the King may reside; and that no such theatrical representations as are above mentioned, were authorized by a Magistrate's licence for music and dancing, such as had been granted to the Surrey Theatre;—that as the agreement was for the purpose of carrying on illegal proceedings, the Court would not interfere to enforce it; that principle was established by several cases—*De Begnis v. Armistead*, *Bartlett v. Vinor* (1), *Langton v. Hughes* (2), *Gallini v. Laborie*, *Mitchell v. Cockburne* (3), *Knowles v. Haughton*, *Thomson v. Thomson*, and *Ottley v. Browne*.

Appeal dismissed, with costs.

1837. }
April 26. } THE KING v. JOHN HAYWARD.

County Rates—55 Geo. 3. c. 51—*Separate Jurisdiction.*

In a borough, by prescription, there were various charters, none of which contained any non-intromittant clause, and there were borough Justices who did not try felonies, and had no separate jurisdiction, yet the inhabitants had never been assessed to the county rate, but had always supported their own bridges and gaol, and had paid the expenses of prisoners within the gaol, and the costs of conveying them to the assizes,—these expenses being defrayed by a borough rate:—Held, that the borough was not within the proviso in the 55 Geo. 3. c. 51. s. 1, and thereby exempt from the county rate.

This was an indictment against the defendant, high constable of the hundred of Hartsmere, in Suffolk, for not obeying a warrant of the Quarter Sessions of that county, to collect a county rate from the overseers of the parish of Eye, to which he pleaded not guilty.

(1) Carth. 252.

(2) 1 Mau. & Selw. 593.

(3) 2 H. Bl. 379.

At the trial, at the Summer Assizes, 1829, for the county of Suffolk, a verdict was found for the Crown, subject to the opinion of this Court on the following

CASE.

The borough of Eye is locally situated within the hundred of Hartsmere, and is a corporation by prescription. Several charters have from time to time been granted to the corporation, and accepted, and, among them, one of the 17 Eliz., which recited, by *inspeeximus*, several other charters, and confirmed all the privileges of the corporation. It provided, "that the bailiffs should appoint two serjeants at mace to make proclamations, and arrests, executions, &c., within the borough, and that the bailiffs for the preceding year should be the coroners for the borough; that they should be Justices of the Peace for the same, and that a court of record should be held on certain days before the bailiffs, for the trial of personal and mixed actions, arising within the said borough. Also the bailiffs, burgesses, and commonalty of the borough, being inhabitants therein, were exempted from serving upon any juries; and the corporation were empowered to have a prison within the town and borough, for the safe custody of all persons liable to be imprisoned within the borough, and to appoint a keeper or governor of the prison. By the same charter, certain rents are made payable to the Crown, in consideration of the privileges granted by the charter, or some of them. This charter was accepted and restored, and confirmed by a charter of the 9 Will. 3, which, however, appointed a recorder and common clerk of the borough. This charter was accepted, and is still in force, and is the governing charter of the borough. The charter did not give the borough Justices any power to hold sessions or try felonies, nor have they ever tried them, nor do the charters contain any non-intromittant clause forbidding Justices of the Peace of the county of Suffolk to interfere with matters arising within the borough. There is a treasurer of the borough, and, in his accounts for the last 200 years, are several charges for repairing the gaol and bridges within the borough. It has always maintained its own poor, and the expenses thereof, and the above charges and ex-

penses have been paid out of one rate upon the inhabitants. There have been numerous instances in which the Justices of the Peace for the county have committed prisoners to the county gaol, for offences done within the borough of Eye.

Until lately, the expenses of the prosecution of prisoners committed from Eye, and also the subsistence of such prisoners, have been paid by the county treasurer. Before the Magistrates of the county asserted the liability of Eye to contribute to the county rates, an order for the payment of the expenses of the prosecution was made by the Judges of Assize on, and paid by, the borough.

The expense of conveying prisoners from Eye to the assizes and sessions for trial, has always been paid by the borough, until the present question arose. Recently, however, since the county Magistrates have asserted the liability of Eye to contribute to the county rate, the order for the expenses of such prosecution, when made at the assizes, have been made upon the treasurer of Eye; but the subsistence of such prisoners has been paid by the county, except in one recent instance. The county Magistrates, however, at the Quarter Sessions, have refused an application, on the part of the borough of Eye, to make an order for the same purpose, on the treasurer of Eye; and in two or three instances no expenses have been accepted from the county. The borough has never contributed to the county rate, and the county has never contributed to the support of the gaol of Eye, or of the bridges there, or of inquisitions there, or of coroners in respect thereof. Two instances were mentioned, in which Eye had contributed to the damages and costs recovered against the hundred of Hartsmere.

The question for the opinion of the Court was, whether the borough of Eye was liable to contribute to the county rate. If it was, the verdict was to stand: if not, the verdict was to be entered for the defendant.

Biggs Andrews, for the Crown, cited *The King v. Clarke* (1), as applicable to the present case. In *Mercer v. Davis* (2),

(1) 5 B. & Ald. 665.

(2) 10 B. & C. 617; s. c. 8 Law J. Rep. M.C. 94.

and *The King v. Shepherd* (3), indeed, it was decided, that a county rate could not be imposed upon the two places; but they are very distinguishable from the present case. Here, the circumstances are wholly wanting, upon which those cases were decided. The county Justices have always tried prisoners for the borough of Eye, and the borough Justices have no separate jurisdiction. Neither is there any non-introustant clause in the charter.

Kelly, contra.—The question is, whether the borough of Eye is not within the exception contained in the 55 Geo. 3. c. 51. s. 1. It is true, that if *The King v. Clarke* be a correct decision, it is an authority against the defendant. But it is inconsistent with the decisions in the later cases. Here the Court will presume, that a rate in the nature of a county rate has been imposed by the borough Justices, and an exemption from all county rates has been conferred upon the borough by some lost charter or grant. It is a borough by prescription; and it is found that, from time immemorial, no county rate has been levied on the borough, and that the inhabitants have repaired their own bridges and gaol, and have paid the expenses of prisoners within the gaol, as also the expenses of conveying them to the assizes. This charge must have been imposed upon them by a valid authority.

The Court were of opinion, that they could not draw any such presumption as was suggested: that *The King v. Clarke* was not a wrong decision: and they gave

Judgment for the Crown.

1837. } THE KING v. THE JUSTICES OF
June 12. } DERBYSHIRE.

New Poor Law Act—Statement of Grounds of Appeal.

The grounds of appeal must not be stated generally; but particulars must be given, so as to afford to the opposite party a reasonable means of inquiry.

Therefore, where a pauper was removed on a hiring and service, in the appellant

(S) 2 Ad. & El. 298; s. c. 4 Law J. Rep. (N.S.) M.C. 30.

parish in 1816, a statement of the grounds of appeal, which stated generally, that the pauper had gained a settlement by hiring and service in the parishes of C and B, subsequent to the alleged settlement in the appellant parish, but gave neither names nor dates,—was held to be insufficient.

The statement of the grounds of appeal, signed by the overseers, without the churchwarden, is valid.

The overseers of the township of Castleton having, on the 12th of April 1836, received a notice of the removal of Hannah Swindell, a pauper, from the township of Bradwell, served a notice of appeal upon the parish officers of Bradwell, and at a proper time afterwards, served them with a notice of trial, at the ensuing Midsummer Sessions for the county of Derby, to which was appended the following statement of the grounds of appeal:—

“And we hereby inform you, that the grounds of the appeal against the said order are, that the said H. S. gained a settlement in the township or parish of Chapel-in-le-Frith, in the said county of Derby, by hiring and service for a year and upwards, subsequently to the settlement alleged to have been obtained by her in the said township of Castleton; and likewise, that she gained a settlement in the township of Bradwell, by hiring and service for a year and upwards; and also by having served several years under a general hiring in the said township of Bradwell, after the time when it is alleged she obtained a settlement in the township of Castleton.”

This was signed by two overseers.

At the sessions, it was objected on the part of the respondents, that this statement was insufficient, as it did not set forth the particular dates when the pauper had gained her subsequent settlement, nor the names of the persons with whom she lived. The Court were of that opinion, and refused to hear the appeal, but made this entry, “The Court confirmed the order of removal, because the grounds of appeal are not sufficiently stated in the notice of the grounds of appeal.”

In Michaelmas term last,—

N. R. Clarke obtained a rule nisi for a mandamus to the Justices of Derbyshire, to enter continuances, and hear and deter-

mine the merits of appeal; against which cause was shewn in last term by—

Whitehurst.—There is an objection which is clearly fatal to this appeal, the notice of the grounds of appeal was only signed by the two overseers, and as there was one churchwarden also of the parish, it is insufficient, if the Court shall hold, that all the parish officers must sign the notice.

[The Court held, that it was too late for the respondents to take this objection now, as it was not raised at the sessions.]

Then the notice was insufficient. The removal was made on a hiring and service in 1816; to which the appellants answer, that the pauper gained a settlement by a hiring and service in Chapel-in-le-Frith, some time subsequently. Such a notice is too indefinite, and clearly contrary to the spirit and principle of the act. It will be contended, that *The King v. the Justices of Cornwall* (1), supports this notice, and is an authority to shew that it is sufficient. Certainly it was there held, that a statement that the pauper was settled in another parish was sufficient. That case goes a great way; and it may be, perhaps, doubtful whether it can be supported.

[PATTERSON, J.—There were particular circumstances in that case, which rendered the meaning of the statement quite plain.]

It is not, however, decisive of the present case, for the statement was by no means so indefinite as to prevent the parties from understanding what was to be relied on. Here, it is altogether uncertain and indefinite what is the real intention of the appellants—*The King v. Holbeach* (2), and *The King v. Kelvedon* (3), do not affect this case. In *The King v. the Justices of Oxfordshire* (4), which was an appeal against an order of affiliation, and *The King v. Sheard* (5), which was an appeal against overseers' accounts, the notices, which were required to state the cause and grounds of the appeal, were held to be insufficient.

[PATTERSON, J.—In *The King v. the Justices of Oxfordshire*, no ground of appeal at all was stated.]

But the appellants cannot make the pre-

(1) 1 Nev. & P. 143; s. c. 5 Law J. Rep. (N.S.) M.C. 106.

(2) Ibid. 137; s. c. ante, p. 5.

(3) Ibid. 138; s. c. ante, p. 1.

(4) 1 B. & C. 279.

(5) 2 B. & C. 856; s. c. 4 D. & R. 480.

sent application, because the Court of Quarter Sessions have heard the appeal; and it appears, that they have confirmed the order. They cannot, therefore, be now called upon to hear it.

[COLERIDGE, J.—What was the course of proceeding formerly, when the Sessions held the notice of appeal to be bad?]

They confirmed the order,

[COLERIDGE, J.—Have they not done the same thing now?]

[PATTERSON, J.—If the statement were defective, the Sessions could not hear the appeal; it would not have been lawful for them to do so.]

N. R. Clarke and Willmore, contra.—

As to the last objection, it cannot be said, that the Sessions have heard the appeal, when they refused to allow the appellants to go into their case.

[PATTERSON, J.—How is the order of Sessions to be got rid of?]

In *The King v. the Justices of Hertfordshire* (6), where the Sessions had confirmed a poor-rate, on the ground of a defective notice, and this Court held that they were wrong, a *mandamus* was issued to them to hear the appeal. See also *The King v. the Justices of Lancashire* (7), and *The King v. Lindsay* (8). Then the notice was sufficiently precise; it gave abundant information to the respondents of the case which was to be set up, and the Court will not require so much strictness in the drawing of these notices and statements, whereby the parties may be tied down to particular allegations, from which the evidence may afterwards slightly vary; and yet, as in *The King v. Holbeach*, the variance will be fatal. *The King v. the Justices of Cornwall* does support this case, and is not to be impeached. The cases cited are not like the present; there was no information whatever given in them, whereas, here, the appellants have given quite enough.

Cur. adv. vult.

And now the judgment of the Court was delivered by—

LITLEDAL, J.—This case was argued in Easter term last, in the absence of my

(6) 4 B. & Ad. 561; s. c. 2 Law J. Rep. (N.S.) M.C. 41.

(7) 7 B. & C. 691; s. c. 5 Law J. Rep. M.C. 131.

(8) 6 Mau. & Selw. 379.

Lord Denman, C.J., who agrees, however, with the judgment I am about to pronounce.

The question turned upon the sufficiency of a statement of the grounds of appeal given by officers of the township of Castleton, in Derbyshire, against an order of removal from the township of Bradwell, in the same county. The statement alleged as the ground of appeal, that the pauper had acquired a settlement in the parish of Chapel-in-le-Frith, by hiring and service, subsequent to the settlement in Castleton, without stating the time when, or the name of the master. At the sessions, the appellant proposed to give in evidence, that the pauper was hired by and served a person in the parish of Chapel-in-le-Frith, since her acquiring a settlement in the appellant parish; but the Court refused to hear the evidence, considering the statement insufficient within the 81st section, 4 & 5 Will. 4. c. 76.

That section requires that the appellants should deliver a statement in writing of the grounds of their appeal, and provides, that on the hearing they shall not go into or give evidence of any other grounds. In this case, if the statement delivered by the appellants was in itself sufficient, they were entitled to give the evidence they tendered at the sessions, notwithstanding the proviso in the act, for it was not evidence of any other ground of appeal; it was to support, by detailed evidence, that ground which was alleged generally in their statement—viz. settlement by hiring and service in the parish or township of Chapel-in-le-Frith.

In *The King v. Holbeach*, and also in *The King v. Misterton* (9), decided in the present term, we held that the Sessions ought not to have received the evidence tendered, because, in those cases, the statement of the grounds of appeal in the one, and the examination of the pauper in the other, were sufficient in themselves, in respect of the particularity of the statement; but the evidence tendered was at variance with those statements, and when received, proved another ground of appeal in the one, and removal in the other. Now, it is obvious, that this statement gives no real information to the respondent parish. With-

out being informed of the time of service, or the name of the master, the respondents would in vain make inquiries in any populous parish as to the fact of the pauper having been hired and served in it; and it seems far more convenient to require greater particularity in the statement. But we were pressed with the authority of the cases of *The King v. the Justices of Cornwall*, and *The King v. Kelvedon*. In the former, the expressions used by the Court, undoubtedly, seem to sanction generality of statement. The circumstances were, however, peculiar. The order of removal related to a man and his wife, and her children by a former husband, from Penryn to St. Gluvias. The examination of the pauper and his wife, a copy of which was delivered to the appellants under the 79th section of the act, shewed that the man was settled in St. Gluvias, that the father of the children was settled in Penryn, and that they had acquired no settlement of their own. The statement of the grounds of appeal was sufficient as to the man; as to the children, it alleged merely that they were settled in Penryn—a fact which appeared upon the papers of the respondents themselves, and which was not in dispute; but it raised a point of law—namely, whether the children, by the operation of the 57th section of the act, (which makes the children part of the second husband's family, for the purposes of the act,) were removable with the man to his place of settlement. The Sessions refused to hear evidence that the father of the children was settled in Penryn. The Court held that they were wrong. Perhaps the proper course for the Sessions would have been, to have taken the fact of the father's settlement as an admitted fact by both parties, and to have refused evidence either for or against it; but they were certainly wrong in excluding the fact from their consideration. The case of *The King v. Kelvedon* turned on the sufficiency of the pauper's examination, to shew the ground of removal; as to which, it was justly observed by my Brother Coleridge, that the language of the act is different in the 79th and 81st sections, and that the act was made with different purposes as to the notices to be given by each side. Again, in that case, the information was given to the

(9) *Ante*, p. 107.

parish in which the pauper was alleged to be settled, and they, by their statement of the grounds of appeal, shewed that they fully understood the examination and the grounds of removal contained in it.

The clauses in this act, respecting the grounds of removal and appeal, are intended to compel such a disclosure by both parties, as will enable them to go to the Sessions fully aware of the questions which are to be discussed; and we think, that we best effectuate such intention by holding, that the statement must not be in general terms, but must condescend to particulars, not to the extent of setting out the evidence by which facts are to be proved, but so as to give the opposite party reasonable means of inquiry. Another point was made on the argument as to the persons who signed the notice and statement. This point was not made at the Sessions; but if it had, we should hold the notice and statement sufficient in that respect, according to the rule which we laid down, a few days since, in the case of *The King v. the Justices of Warwickshire* (10).

Rule discharged.

1836. }
June 13. } THE KING v. JOHN WILSON.

Forcible Entry and Detainer—Inquisition—Re-restitution.

An inquisition on a conviction, for a forcible entry and detainer, is bad, which does not allege a complaint to have been made, or shew the authority by which the jury are summoned; and, where the conviction is defective, the inquisition, though free from objection in itself, cannot be supported.

Where the Justices on the inquisition have ordered a restitution, this Court, having set aside the conviction, and the inquisition, is bound to award a re-restitution.

This case has been in part reported, in 4 *Law J. Rep. M.C.* (N.S.) 114, when the Court quashed the conviction, and also ordered the inquisition to be quashed. It turned out, that the rule had not been drawn up for quashing the inquisition; and, therefore, it became necessary that a spe-

cific application should be made for that purpose. Accordingly, in Michaelmas term, 1835—

Hill obtained a rule *nisi* for quashing the inquisition, and awarding a writ of restitution; against which cause was shewn by *Sir W. W. Follett*, on a former day in this term. Affidavits were filed on both sides; but the decision of this rule did not at all depend upon them.

The prosecutors contended, that there was a distinction between the conviction and the inquisition;—the former might be bad, and yet the latter valid. The conviction proceeded upon the statutes 15 Rich. 2. c. 2, and 8 Hen. 6. c. 9. ss. 1 & 2, and was for the purpose of fine; but the inquisition was for the purpose of restitution, and proceeded upon the 8 Hen. 6. c. 9. ss. 2 & 3, and after the hearing of the defendant and his witnesses, before the jury, they have found, not only an unlawful detainer, but an unlawful entry, as to which there may be a separate proceeding, under section 3, which will warrant the Justices in granting restitution, whether there be, or be not, a good conviction. At all events, the granting of the re-restitution is discretionary with the Court(1); and there is nothing on the affidavits which shewed that the defendant had a right to the possession—*The King v. Harris* (2).

For the defendant, it was contended, that the inquisition was only ancillary to the conviction, and arose in consequence of the defendant having traversed the force at the time of the conviction. The Justices, at the time when the statute of Hen. 6. was passed, could not convict out of Sessions on evidence; they could only convict on view or confession; and their conviction on the former was traversable. That appears from the whole of the proceedings in the case of *The King v. Leighton* (3), which was ultimately decided, though it was conjectured by this Court, on a former occasion, that there was no decision. The inquisition, therefore, is a trial of an issue arising out of the conviction. But the inquisition itself is bad, as it does not allege that any complaint had been made; and the

(1) 1 *Russ. on Crimes*, 293.

(2) 1 *Lord Raym.* 482.

(3) *Fort. Rep.* 173.

(10) *Ante*, p. 103.

8 Hen. 6. c. 9. s. 2, which originates the proceedings, *on complaint made*, applies both to the conviction and the inquisition. It is necessary that that should be stated in the inquisition; otherwise, there will not appear to have been any jurisdiction; and, although the complaint may not be part of the proceedings before the jury, it is in the nature of a caption, which sets out the matters necessary to give jurisdiction. As to the re-restitution, it is certainly laid down, in *Russell on Crimes*, that the award thereof is discretionary; but, if that be the case, still all the equity is with the defendant.

Sir W. W. Follett, in answer to the objection taken to the inquisition, referred to 2 Burn's *Just. tit. 'Forcible Entry and Detainer,' s. 6.* and the form (No. 9) of the inquisition, to shew that it was not necessary to allege a complaint.

Cur. ado. vult.

And now the judgment of the Court was delivered by—

LORD DENMAN, C.J.—In this case, which has been before the Court on a former occasion, we have been moved to quash an inquisition, and award a writ of re-restitution, in pursuance of our former judgment, which set aside the conviction of the defendant by Magistrates for the offence of a forcible entry, and in which we expressed an opinion, that the inquisition founded upon it must also be set aside. The grounds of that judgment were fully stated, and have not been questioned in the argument on this rule; but it was said, however defective the conviction might be, the inquisition being the act of a jury regularly brought together, and the result of an examination of witnesses, at which both parties assisted, ought not to be set aside. We are, however, of opinion, that, as the inquisition was founded upon the conviction, which turns out to be a complete nullity, for reasons which it is unnecessary now to repeat, the inquisition, also, is a proceeding without any warrant of law, and must be set aside. Whether it may have any effect as evidence, in other controversies between the parties, we need not consider now. But, indeed, the inquisition is, in every other respect, wholly inoperative; its use being to give effect to a conviction,

which is, of course, impossible, where the conviction itself is void. If it could be permitted to stand as a part of the proceedings, it would appear to justify the transfer of the possession worked by the conviction, when the conviction itself is given up as indefensible: this cannot be permitted. And the inquisition, if taken by itself, without reference to the conviction, is in itself defective; inasmuch as it does not shew, that any complaint had been made, or by what authority or on what account the jurors were summoned. But the defendant would gain nothing by our judgment, if we should merely declare the proceedings null. Another step is necessary, on the part of the Court, in order that full justice may be done him. If we allow him to remain dispossessed of the premises he before held, full effect will be given to an act which we have pronounced wrongful. A writ of re-restitution is prayed to prevent this consequence; and the original complainant has stated his objections to our awarding that writ: on looking into the authorities (4), we find, that the Court has been in the habit of awarding that writ when it has quashed the conviction for forcible entry; otherwise, the whole proceedings here would be nugatory; and the practice is said to have grown out of an equitable construction of the statutes. It has been said, that the Court will not do this, unless the party unlawfully dispossessed should appear to have title to the premises—a most inconvenient inquiry upon affidavit, and a course full of danger to the public peace, as protecting the execution of an unlawful sentence. But, in *The King v. Jones* (5), the Court declared, even where the conviction was quashed for a merely technical error, and the lease of the dispossessed person had expired during the litigation, that they had no discretionary power in the case; but were bound to award restitution on quashing the conviction.

This rule, therefore, for quashing the inquisition must be made absolute, and re-restitution will also be awarded.

(4) 1 Hawk. P.C. (1), c. 64. ss. 65 & 66; 13 Vin. Abr. 'Forcible Entry and Detainer,' (O); Bac. Abr. 'Forcible Entry and Detainer,' (G).

(5) 1 Stra. 474.

IN THE EXCHEQUER CHAMBER.*
 1836. }
 Nov. 1, 26. } CAMPBELL v. MAUND.

Churchwardens—Election.

The right to demand a poll is by law incidental to the election of a parish officer by shew of hands, where there is no special custom to exclude it.

A demand of a poll, on the election of a parish officer by shew of hands, is not void, because not made until after the chairman has declared the decision by the shew of hands.

A poll was demanded to be taken in a particular manner, and was granted and taken; it was objected that the poll was not demandable at all, but no objection was made to its being taken in the particular manner:—Held, that the irregularity in the point of form was waived.

The 58 Geo. 3. c. 69. is prevented by the 8th section from affecting the powers of any vestry holden by virtue of any ancient or special usage or custom. It was found by a jury, that in the parish of Paddington the churchwardens are to be chosen by shew of hands, but that no poll had ever been demanded:—Held, that this was no special usage or custom within the meaning of that section.

The 5 Geo. 4. c. cxxvi. s. 10, a local act for regulating the parish of Paddington, provided, that the election of churchwardens should be conducted in such manner as had been usual in the same parish. This passed six years after the 58 Geo. 3, which had taken effect in that parish, and therefore it was held, that the mode of election of churchwardens therein, is now by shew of hands, if no poll be demanded; and if it be, then by poll to be taken by plurality of votes, according to the latter statute.

Held, also, that that provision in the local act applies to the usual and customary mode de facto, independently of its conformity with the general law.

This was a bill of exceptions to the ruling of the Lord Chief Justice of the King's Bench.

On the trial of this cause, at Guildhall, at the Sittings after Michaelmas term,

* Present—Tindal, C.J., Lord Abinger, C.B., Parks, B., Gaselee, J., Vaughan, J., Bosanquet, J., Bolland, B., Alderson, B., Gurney, B.

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1835, it appeared that the action was for a trespass and assault for turning the defendant in error, then being one of the churchwardens of the parish of Paddington, out of the vestry-room. The plaintiffs in error justified, on the ground that the defendant was not a churchwarden or a vestryman, to which there was a replication *de injuriâ*.

At the trial, the assault was proved against the defendants below, who were John Hill, one of the churchwardens, the Rev. A. M. Campbell, the minister and perpetual curate, and the other was the beadle of the parish. The plaintiff gave in evidence an act of parliament, 5 Geo. 4. c. cxxvi. (a local act for the better governing and regulating the parish of Paddington), by which an elected vestry is appointed in the mode directed by that act; and by section 10 it is enacted, that "the election of churchwardens shall take place on the Easter Tuesday, and be conducted from year to year in such manner as has been usual in the same parish." It was proved, that the mode of electing churchwardens in the said parish, before and after the passing of the act 58 Geo. 3. c. 69, (Sturges Bourne's Act,) and before, and at, and after the passing of the act of 5 Geo. 4. c. cxxvi. was by shew of hands, no poll ever having been demanded; that on the Easter Tuesday, 1835, the plaintiff, James Maund, and one Thomas Hobbs, were proposed as churchwardens, as were also John Goodhind and the defendant John Hill; that the majority of the electors present at the said meeting, on a shew of hands, was in favour of the plaintiff and Thomas Hobbs, and so declared to be by the chairman, whereupon a rate-payer present demanded a poll, and required that a poll should be taken pursuant to the statute of 58 Geo. 3. c. 69. This mode of taking the poll, giving a plurality of votes to persons according to the amount of their rateable property in the parish, was objected to by an inhabitant present, who insisted that only a single vote should be allowed to each person, on the poll being so demanded. A notice had been previously circulated in the parish, signed by the minister and churchwardens, providing, that if a poll were demanded for the election of churchwardens, it should be opened

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at a particular place, and should continue for a certain length of time. The poll being demanded, the chairman granted it, and it was held in the place appointed, and the votes were taken according to the directions in Sturges Bourne's Act. By that poll, Hill and Goodhind had the majority, both by the voting according to property and by single votes. Rate payers, whether they had been present at the vestry or not, were allowed to vote, if they had paid their taxes. During the taking of the poll several parishioners protested against this mode of taking it, and did not vote. The plaintiff came to the vestry as a churchwarden, and was turned out of the room. The defendants below contended, that he had not been duly elected churchwarden; but the Chief Justice ruled, that he was duly elected, that the 5 Geo. 4. c. cxxvi. s. 7. took the parish of Paddington out of the operation of the 58 Geo. 3. c. 69, as to the election of a churchwarden by a plurality of votes in a single person, by reason of rateable property in the parish; and that a poll being demanded, according to the provisions of that statute, under the circumstances above stated, the chairman was not justified in holding it at all, and therefore the election must be determined by the shew of hands being allowed to be in favour of the plaintiff. He left the case with that direction to the jury, who found a verdict for the plaintiff. This was the direction excepted to. There was an assignment of errors corresponding therewith.

Sir F. Pollock, for the plaintiffs in error.—Two propositions may be laid down in this case: first, that whatever construction may be put upon the local act, which was passed subsequently to 58 Geo. 3. c. 69, the election of the plaintiff below was invalid, there having been a demand of a poll, and the demand of a poll, though made in a particular manner, is not void, even though the poll ought not to have been taken in that manner. Secondly, that the 10th section of the local act does not prevent the operation of the 58 Geo. 3. c. 69, and therefore the present plaintiffs, Hill and Goodhind, were duly elected churchwardens. On the first point, it is clear that the demand of a poll puts an end to the election by the shew of hands—*Anthony v.*

Seeger (1). That is the only mode of obtaining an accurate estimate of the sense of the parishioners upon any question. The shew of hands is indeed a ready mode of taking the opinion of the meeting, but if any doubt arise upon that subject, a poll must be allowed, if demanded. In this case a poll was demanded. Then that demand cannot be vitiated by the claim to have it taken according to the mode prescribed by 58 Geo. 3. c. 69. It was not necessary that the presiding officer should take it in that manner, if that were an illegal manner. He might take the poll as by law it ought to have been taken.

[*Bosanquet, J.*—Is it any point in this case that persons voted at the election who were not present at the vestry, or that the poll was demanded after the shew of hands? In some corporations a poll must be demanded before the shew of hands is declared.]

It was impossible to confine the election to the persons present at the vestry. The parishioners are far too numerous to be able to be collected in one assembly. Secondly, the local act does not prevent the course of proceeding prescribed by the 58 Geo. 3. c. 69. That statute was passed in 1818. It contains, in section 8, an exception of all parishes where there existed any local custom or usage. There was no custom or usage in this parish; therefore, in 1818, that statute applied to the parish of Paddington. It was not repealed by the 5 Geo. 4. c. cxxvi. That act only provides, that the election of the churchwardens shall be conducted in such manner as hath been usual in the parish. It is merely intended that the mode of election then in use should continue. The 58 Geo. 3. c. 69. had been in operation, and in fact had governed the parish for the six years previous to the passing of this act. That time was sufficient to constitute a usage; the votes therefore were properly taken according to the mode directed by that act.

The Attorney General, for the defendants in error.—The question is, whether the election is to be determined by electors having a plurality of votes, or having single votes. If by the latter, Maund was duly

elected. He had a majority of single votes at the vestry. It is said, that that election was invalid, because a poll was demanded. The demand of a poll, however, was a nullity. The sentiments of the majority of the persons present at the vestry were ascertained. If there had been any doubt, a poll of those persons might have been demanded, and tellers might have been appointed, and non-electors ordered to withdraw. There was no dispute here as to the party who had the majority.

[LORD ABINGER, C. B.—You say that the poll ought to be confined to the persons present at the meeting; that is not the usual understanding on these subjects. Supposing you are correct, the vicar had published an advertisement, that if a poll were demanded, it should take place in a particular manner, and should continue for two days.]

He could not alter the law, which did not warrant that course. It never can be held, that, upon every act and resolution of the vestry, a poll may be demanded, and that persons who have not been present at the discussion, should come in, and by their votes controul the decision of parties who have been present. And there is no distinction between such acts of the vestry and the election of officers. In *Prideaux's Office of Churchwarden*, p. 48, it is laid down, that "whatsoever rate shall be made by the consent of the major part of those who come to the said meeting will be a good and legal rate. For those who are absent in this case, devolving their rights and votes upon those who are present, they who are present, how few soever they may be, are, in construction of law, the whole parish."

[Sir F. Pollock here referred to *The King v. the Archdeacon of Chester* (2).]

It does not appear there, whether it was admitted that the party had a majority of the electors present.

[LORD ABINGER, C. B.—The point was not made, but the majority of the persons present had carried their list.]

[ALDERSON, B.—It is not found as a fact, that there was any acquiescence by the parties present.]

It is stated, that Maund and Hobbs had a majority on the shew of hands.

[ALDERSON, B.—Suppose there had been a demand of a poll simply, I always supposed that that was a demand that the votes should be taken in a different way from the mode which had been adopted, namely, that the different polls should come and record their votes. It is not a question of persons present or absent, but a different mode of taking the votes.]

Then, assuming that a poll might have been demanded at common law, yet a usage had prevailed in this parish of determining the election by the shew of hands and without a poll.

[LORD ABINGER, C. B.—I cannot conceive that such a custom would be valid.]

Whether legal or not, it existed, in fact, at the time when the 5 Geo. 4. c. cxxvi. was passed, and then it was preserved and rendered legal by the 10th section—*The King v. the Churchwardens of St. James's, Westminster* (3). The Court, in construing

(3) *The King v. the Inhabitants of St. James's, Westminster*.—By the 1 Jac. 2. c. 22, the parish of St. James was carved out of the parish of St. Martin, and it was directed that the vestry should be appointed in the same manner in which the vestry of St. Martin's was appointed. A certain mode was then adopted, and has continued until the present time, conformable to the mode then prevailing in St. Martin's. That mode has been determined to be illegal, there having been a select vestry there, which has since been found not to be warranted in that parish. An application had been made for a mandamus to the inhabitants of the parish to assemble and elect churchwardens, the object of the applicants being to determine, whether the course of proceeding, in St. James's parish ought not to be changed accordingly. A rule nisi was obtained, against which, cause was shewn in Trinity term of last year, by *The Attorney General* and *J. Jervis*, and the rule was supported by *Sir W. W. Follett*.

Cur. adv. vult.

LORD DENMAN, C. J., in the same term, delivered the judgment of the Court.—We have looked into the act, 1 Jac. 2. c. 22, passed for the purpose of creating this parish out of a portion of what had been St. Martin's parish. That act directs that there shall be an election of churchwardens according to the previous course of practice in that parish. The phrase used, which is, "according to the laws and statutes now in force," is not entirely without doubt, but we think that the expression must be taken to apply to the course then in practice. If any change of the practice in one parish, according to that prevailing in another, had been intended, some reference must have been made to the mode in which the law intended that change to operate in

(2) 2 Ad. & El. 342; s. c. 3 Nev. & M. 413; 3 Law J. Rep. (N.S.) M.C. 95.

an act of parliament, looked to the *de facto* mode of election, and did not inquire whether it was legal.

[LORD ABINGER, C.B.—The election there might be a usurpation, but it was not an illegal one.]

Here the evidence shews that there never had been a poll in the parish. Both before and subsequently to the 58 Geo. 3. c. 69. there had been no other mode of voting than by shew of hands, and therefore the plurality of votes could not be claimed. That act does not apply to the election of the churchwardens. The 5 Geo. 4. c. cxxvi. s. 3. also refers to that statute, and directs expressly that it shall prevail in the election of vestrymen; but no such provision is made for the churchwardens. As to the word "usual" mode, *The King v. Birch* (4) and *The Duke of Bedford v. Emmett* (5) may be referred to.

[ALDERSON, B.—There is another objection to this election. It appears that Maund and Hobbs were put up together, and Goodhind and Hill together. That is not a good election—*The King v. Player* (6). Suppose a person to be desirous of voting for Hobbs and Goodhind, he could not do it by the shew of hands, whereas by the poll he could.]

That point was not made at the trial.

Sir F. Pollock replied.—The judgment of the Court is desired on the main question, namely, the application of the statute 58 Geo. 3. c. 69. to this parish. If the poll can be refused, the plaintiff below will be right; but if not, whether the election be by single or plural votes, his election is void. The evidence only shews that, in point of fact, no poll had been demanded, but it did not establish any custom. The

this parish, upon a change taking place in the parish of St. Martin. Such might have been superfluous if the alteration had been made by act of parliament. If a new state of things was intended to follow in St. James's whenever it took place in St. Martin's; if it had been meant that the one was always to imitate the other, the legislature could easily have stated such to be its meaning. No such thing has been done here, and there can be no doubt that such change, as that which has now taken place in St. Martin's, was never contemplated by the legislature in the time of King James the Second.

Rule discharged.

(4) 4 Term Rep. 608.

(5) 3 B. & Ald. 366.

(6) 2 B. & Ald. 707.

10th section only meant to enact, that the vestry, who had been provided for in the act, should not elect the churchwardens, but that it should remain as before. The custom of the parish gave the election of both churchwardens to the parishioners, contrary to the general law, by which the minister elects one; and the legislature would not interfere with that right.

Cur. adv. vult.

And now the judgment of the Court was delivered by—

TINDAL, C.J., who stated briefly the substance of the bill of exceptions, and continued :—The bill of exceptions raises two points, each of which has been argued before us, namely—first, whether the election which took place at a poll, demanded and granted under the circumstances stated in the bill of exceptions, was a legal and valid election;—secondly, whether the provisions of the statute of the 58 Geo. 3. c. 69, applied to and governed the parish of Paddington. And, upon the first question, we are all of opinion, that the election which took place at the poll, demanded and granted in the manner and under the circumstances stated, was a legal and valid election. We agree to the proposition, contended for on the part of the defendant in error, that, whatever was the particular mode of electing churchwardens for the parish of Paddington at the time of passing the local act, the same mode is still preserved, and remains unaltered in the parish, by virtue of the 10th section of that act. For the provision in that section, that elections of churchwardens shall take place on Easter Tuesday, and be conducted from year to year in such manner as hath been usual in the same parish, appears to us to intend the usual and customary mode of election *de facto* observed there, whatever it might be, and without any reference to its origin or conformity with the general law. But we are, at the same time, of opinion, that the mode of electing churchwardens in the parish of Paddington, set out in the bill of exceptions, is not inconsistent with, nor does it by any means exclude, the right of the parishioners of Paddington to have recourse to a poll in the election of churchwardens for that parish. All that is stated

to have been proved to the jury is, that the mode of electing churchwardens in the parish of Paddington had been by a shew of hands, no poll ever having been demanded. There is no evidence before them of any poll ever having been demanded and refused; or of any custom or usage, in negative words, to exclude the granting of the poll, when properly demanded. The question, therefore, becomes this, whether the right to demand a poll is by law incidental to the election of a parish officer by a shew of hands, where there is no special custom to exclude it. And we think such right is, in point of law, a necessary incident or consequence to the mode of election by shew of hands, wherever it is not by special custom excluded. Independently of any authority on the subject, the recourse to a poll, when the population of the parish is large, appears to be the only mode of ascertaining with precision the numbers of those who vote on each side, and the right of each elector to vote. Again, it is, under the same circumstances, the only mode in which each individual elector can have the power of expressing his opinion at all. In cases of populous parishes, no vestry-room can be large enough to contain the whole body: still further, where the election is carried on with any warmth of popular feeling, it is the only mode by which a large portion of the community can express their opinion with freedom and security. But, in addition to these general grounds, we think the authority of Lord Stowell's judgment, in the case referred to in the course of the argument, is entitled to the greatest consideration in a matter of this nature, that, where a poll is demanded, the election commences with it, as being the regular mode of popular elections, the shew of hands being only a rude and imperfect declaration of the sentiments of the electors. "It often happens," adds that learned Judge, "that, on a shew of hands, a person has a majority, who on a poll is left in a minority; and, if the party could afterwards recur to the shew of hands, there would be no certainty or regularity in elections. I am of opinion, therefore," he adds, "that when a poll is demanded, it is an abandonment of what was done before; and that everything an-

terior is not of the substance of the election, nor to be so received." The right to demand a poll being, therefore, as it appears to us by the common law, an incident to the popular election of a person to an office, we think the electors cannot be deprived of it, without a special custom of election inconsistent with such right, or expressly excluding it by negative terms; viz. that no such right exists in the particular parish; and we are clear, that there is no such finding, as to the parish of Paddington, or facts stated which could warrant such a finding; but that the case strongly resembles that of *Doe v. Llewellyn* (8), where it was held, by the Court of Exchequer, that the finding in a special verdict, that there did not appear on the court rolls any entry of a surrender to the use of a will, was no finding of a custom, that lands within the manor could not be surrendered to the use of a will.

But, it is objected, that the demand of the poll was, in the present case, a nullity on two grounds:—first, because it was not made until after the shew of hands was declared by the chairman to be in favour of the plaintiff and the candidate joined with him; and, secondly, because the demand required that the poll should be taken pursuant to the statute 58 Geo. 3. c. 69. We think it an answer to the first objection, that, in the nature of the thing, the demand of a poll never can reasonably be expected to be made until the necessity for such demand arises, that is, until one of the contending parties is dissatisfied with the decision of the chairman on the shew of hands, from which it is in the nature of an appeal. And, as to the second objection, it might be sufficient to observe, there is no evidence, in this bill of exceptions, that any one of the parishioners in the vestry objected to the demand of the poll on that ground. If the granting of the poll had been objected to on that ground, and refused, a question might by possibility have arisen, whether the annexing to the demand of a poll the requisition of a particular mode of conducting it, did, or did not, afford a justifiable excuse for the refusal to allow the poll. But, in this case, neither of the parties objected

(8) 2 Cr. M. & R. 503; s. c. 4 Law J. Rep. (N.S.) Exch. 362.

that a poll should, in fact, be taken; and, as in point of fact, upon the present occasion, a poll was granted, and actually taken between the contending parties, we hold, there has been a complete waiver of any irregularity, in point of form, in the mode of demanding the poll, even if any such irregularity had existed,—which, however, we think was not the case.

But it is, lastly, and indeed principally, objected, that the poll was improperly taken, the electors having been allowed to have a plurality of votes, according to the amount of their property, as provided by the statute 58 Geo. 3. c. 69, and not having been each of them restrained to the exercise of his single vote; whereas the parish of Paddington, as it is contended on the part of the plaintiff below, is excepted out of the operation of that act by the 10th section of the local act, 5 Geo. 4, so that no elector can have more than a single vote on the election of churchwardens. But, as the evidence before the jury was, that the defendant, Hill, and the candidate joined with him, who were declared duly elected at the poll, were not only elected by a majority of votes, as respecting property, but also by the plurality of single votes, it becomes a matter of indifference to the parties to this suit whether the legal right of voting in the parish of Paddington is governed by the 58 Geo. 3. or not; for, upon neither supposition had the plaintiff below been elected to the office of churchwarden. As, however, both the parties have been heard on this question, before us, and have expressed a desire that we should deliver our opinion upon it, and as we ourselves think the expression of our unanimous opinion may have the effect of preventing any future litigation on the subject, we have thought it right to enter upon the discussion of the second question—whether the mode of election, by the statute 58 Geo. 3. c. 69, does, or does not, extend to the parish of Paddington. This question depends for its answer upon the proper construction to be put on the 8th section of the general act, and the 10th section of the local act. The 8th section of the general act provides, that nothing in that act contained shall extend to take away, lessen, prejudice, or affect the powers of any vestry or

meeting holden in any parish, township, or place, by virtue of any special act or acts, or of any ancient or special usage or custom. Now, there is no special usage or custom as to the mode of electing churchwardens in the parish of Paddington found upon the bill of exceptions, where they are to be elected in vestry. The churchwardens, at the time of passing that act, were chosen by a shew of hands; so were the elective churchwardens, generally speaking, throughout most of the parishes in England: it is the general mode of electing churchwardens throughout the realm. But it is found, that no poll had ever been demanded in the parish. The same may be said of very many, perhaps by far the greatest part, of the parishes in England, in which the parishioners have never demanded a poll, because they have been satisfied by the shew of hands. If the custom within the parish of Paddington had, by negative words, excluded the poll, it would then indeed have been a special custom or usage, which would have taken that parish out of the operation of the statute; for it is obvious, that an election, by shew of hands alone, is necessarily inconsistent with the allowance of a plurality of votes in any one person; but, if the usage or custom within Paddington should be held sufficient to exclude a parish from the operation of 58 Geo. 3, on the ground of its being special, the statute would have comprehended a very small proportion indeed of the numerous parishes in England. If, then, the 58 Geo. 3, taken by itself, includes within its operation the parish of Paddington, is there any clause in the local act which can exempt the parish from its operation? The only clause which can be contended to have the effect is the 10th. By that clause, it is enacted, that the election of churchwardens shall take place on Easter Tuesday, and be conducted from year to year in such manner as hath been usual in the same parish. This clause, as we have before observed, was intended to leave the parish of Paddington precisely as it was at the time of the passing of that act. Now, what was the condition of the parish as to its mode of electing churchwardens at that time? We answer, by shew of hands, if no poll is demanded; and, if demanded,

then by a poll, taken according to law. Now, by law at that time, a poll must be taken by plurality of votes, as provided by the 58 Geo. 3, when the parish falls within the operation of that statute; and this mere fact, that the votes have never been actually taken in that mode since the passing of the statute, is no more a proof that the statute does not apply, than the fact of the non-demand of a poll proves that such poll was not demandable of right.

Upon the whole of this second question, we think that the mode of electing churchwardens, in the parish of Paddington, before the passing of the 58 Geo. 3, was by a shew of hands, with the power of going to a poll, in which case, the majority of single votes decided the election; that the statute 58 Geo. 3, gave each voter a plurality of votes at the poll, when demanded and held according to the requisitions of that act, with reference to the quantity of his estate; and that such being the rightful mode of election, at the time of the passing of the local act, it was continued and preserved to the parish by the 10th section.

We think, therefore, that, upon the present record, the judgment *venire de novo* must be awarded.

1837. } THE KING v. THE INHABITANTS
May 27. } OF ARDLEIGH.

Settlement by Estate—Copyhold.

A pauper, seised in fee of freehold and copyhold lands, conveyed his freehold lands to trustees for sale, and covenanted to surrender his copyhold lands to them, or to any person whom they should appoint. The trustees were to pay his debts with the proceeds, and any surplus to him:—Held, that he gained a settlement by residing in the parish where the copyhold lands were situated, for forty days after the execution of the covenant.

This was an appeal against an order of two Justices, by which Thomas Beckey and his five children were removed from Dedham to Ardleigh, in the county of Essex. The Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

The pauper, Thomas Beckey, was for many years previous and up to the year 1832, seised and possessed of freehold and copyhold estates, situate in the parishes of Ardleigh Langham and Dedham, in the county of Essex, which he derived as devisee in fee under the will of his father, and to which copyhold part thereof in the said parish of Dedham he was, in December 1821, admitted at a general court baron then holden for the manor of Overhall and Netherhall, in Dedham aforesaid, to hold to him, his heirs and assigns for ever. The pauper received the rents of the premises from the time of his father's death to January 1832.

At the time of his father's death, and from thence until the 17th of April 1832, the pauper resided in Ardleigh. On the 17th of April he went to reside in Dedham, where he continued to reside from that time down to the time of the hearing of the appeal: he did not occupy the said copyhold premises, but resided during the whole time in other premises in Dedham.

An indenture of lease and release, dated 10th and 11th of January 1832, was then set out, whereby the pauper conveyed all his freehold lands, and assigned all his stock and effects to certain trustees, to sell the same, and pay the proceeds to and among his creditors; and the pauper covenanted with the trustees, that, upon request made by them, he would surrender all his copyhold and customary lands and hereditaments situate in Ardleigh Langham and Dedham to the use of the trustees, or to such uses as they should appoint; and, in the meantime, and until such surrender should be made, that he should stand seised of the said copyhold premises in trust for the said trustees, who were declared to stand possessed of the said copyhold premises, in trust to sell the same in the manner and for the same purposes as the freehold. The deed also contained a declaration, that the trustees were possessed of the monies to arise from the sale, in trust to pay all the creditors the amount of their respective debts, and the residue and surplus, if there should be any, to the pauper, and should manage the farming business, &c. of the pauper, until the sales should be

completed, as they should deem most for the benefit and interest of the estate.

By a deed-poll, dated January 18, 1832, the creditors of the pauper covenanted to release him from the debts owing to them, provided the trustees were not prevented from carrying the trusts of the former deed into execution.

On the 2nd of October 1832, the pauper, in consideration of the sum of 50*l.* (in the surrender stated to be paid to him by one William Downes, who had verbally agreed to purchase the said premises on the 11th of May following) out of court surrendered, according to the custom of the said manor of Overhall and Netherhall, the copyhold cottage and piece of land situate in Dedham aforesaid, and holden of the said manor of Overhall and Netherhall, to the use of the aforesaid William Downes, who was admitted thereto on the 20th of November 1832. The question for the opinion of the Court was, whether, after the execution by the pauper of the indenture of the 10th and 11th of January 1832, and from thence down to the time of the admission of the said William Downes to the said copyhold premises in Dedham, or down to the time of the said surrender thereof to him, or during the period of any forty days after the 17th of April 1832, the pauper continued to have an estate or interest in the copyhold premises in Dedham, sufficient to confer a settlement upon him; and whether the pauper gained such settlement by his residence in the parish of Dedham during the period and in manner hereinbefore stated. If the Court should be of opinion that the pauper had an estate or interest sufficient to confer a settlement, then the order of Sessions was to be reversed, and the order of removal quashed; otherwise the order of Sessions to be confirmed.

Thesiger and *Dowling*, in support of the order of Sessions.—The Sessions have decided, and properly, that the pauper gained no settlement, by residence in the parish of Dedham, after the year 1832. He could only do so by his possession of the copyhold property in that parish. But after the execution of the deed of trust, he had no beneficial interest in it, and was no longer so connected with it as to continue irremovable. The trustees clearly had the

equitable interest in it; and the pauper was bound to surrender it to any person named and appointed by them. The trustees in fact managed the farm, cultivated the lands, and received the rents and profits; and the pauper did not live upon the copyhold estate. He was no more than a bare legal trustee for them. He did not resemble the guardian in socage, who gains a settlement by residence on his ward's land—*The King v. Oakley* (1), as having a legal interest therein; and the same observation applies to the executor and administrator, who, in like manner, have a controul over the land. It is not enough that the party has the legal estate, for a mortgagee does not gain a settlement by reason of the mortgaged estate, if he is not in possession of it. On the other hand, a mortgagor, by mere residence on the estate, does not gain a settlement if he be insolvent—*The King v. St. Michael's, Bath* (2). Here, perhaps, it may be said, that the pauper had some interest in the surplus.

[*LORD DENMAN*, C. J.—It is not found by the Sessions whether the estate was insolvent or not.]

[*PATTERSON*, J.—Lord Mansfield seems to consider the right to the surplus of little importance.]

It is the real interest in the property, which gives the settlement—*The King v. Holm East Waver Quarter* (3), *The King v. Tarrant Launceston* (4), where the legal estate was conveyed away, and no beneficial interest remained. Here, there is a covenant to surrender, and all the beneficial interest is gone. *The King v. Edginton* (5) may be cited on the other side, but it was decided on the ground, that the transaction was merely a mortgage, and the pauper had a beneficial interest. *The King v. Cregrina* (6) is also an authority for the respondents.

Ryland and *Turner*, contra.—The pauper had a sufficient interest in the estate to acquire a settlement. In the cases cited, there was an absolute conveyance, and in

(1) 10 East, 491.

(2) Doug. 630.

(3) 16 East, 127.

(4) 3 East, 226.

(5) 1 East, 288.

(6) 2 Ad. & El. 536; s. c. 4 Law J. Rep. (n.s.) M.C. 57.

The King v. St. Michael's, Bath, there was a possession obtained by fraud. Here, the legal estate was not out of the pauper; he only covenants to hold in trust for the trustees; so that there is a mere executory contract. As to the pauper not residing on the property, it has long been decided since *The King v. Houghton-le-Spring* (7), that that is not necessary. *The King v. Dorstone* (8) is, however, a decisive authority against the order of Sessions. Here, the legal estate was in the pauper. It was a matter of doubt whether the equitable was or was not gone; and the Court will not hold that the pauper did not gain a settlement by the possession of the legal estate. Where it is doubtful whether there be an equitable estate or not, a settlement is not gained—*The King v. Geddington* (9). In *The King v. Creggins*, it was clear that there was neither a legal nor an equitable interest.

LORD DENMAN, C.J.—It seems to me, that, as the legal estate continued in the pauper, he was irremovable. He need not reside on it, as it will be sufficient if he reside in the parish. We do not know that he will ever be called upon to surrender the copyhold premises: the freehold property may have been sufficient to pay off the debts, and there is nothing in the case to shew that it would not be sufficient. It is, however, enough for us to say, at all events, that the pauper was residing in a parish where he had an estate of his own.

LITTLEDALE, J.—The pauper had the legal estate; that is sufficient. But, even the equitable estate was held by persons for his benefit, for they were to pay his debts with the proceeds. It is laid down in 2 *Nal. P.L.* 105, to be immaterial whether the party has the beneficial interest in the estate or not. The pauper here, having the legal estate, could not have been turned out by an ejectment.

PATRSON, J.—This would have been exactly like the case of *The King v. Dorstone*, if the pauper had entered into an absolute covenant to convey. There, also, the circumstance of the pauper not residing

on the land in question, was considered as not making any difference. It only raises a question, as to whether the party have the legal estate or not. Here, however, it does not appear from the case that the trustees were to manage this property: they were to manage his farming business, but the clause in the deed is not shewn to apply to this land. As to the case of *The King v. Creggins*, there was no interest, legal or equitable, belonging to the pauper.

Order of Sessions quashed.

1837. }
Jan. 23. } THE KING v. MARSH.

Criminal Practice—Indictment—Amendment of Caption—Certiorari.

A clerk of the peace had returned an indictment, which had been found at a borough sessions in obedience to a writ of certiorari, but the caption of the indictment did not contain the names of the grand jury. It being alleged that more than twenty-three grand jurymen found the bill, a rule nisi for the clerk of the peace to amend his return, by inserting the names of all the grand jury, was discharged by the Court, it not appearing that there was anything remaining at the Sessions by which the amendment could be made.

The insertion of the names, though proper, is not so essential as to render the caption, where they are omitted, void. Per Lord Denman, C.J.

The Court having decided in this case (see *ante*, p. 7), that they could not quash the indictment after the conviction, but that the defect complained of might be taken advantage of in arrest of judgment, or by writ of error, either of law or of fact—

The Attorney General, on a former day in this term, obtained a rule, calling upon the prosecutor to shew cause why the clerk of the peace of the borough of Dover should not amend the return made by him to the certiorari of the caption, by the inserting of the names of all the grand jurymen who were sworn, against which—

Sir W. W. Follett and Platt now shewed cause, and contended, that the clerk of the peace had no power to do so; he had no means

(7) 1 East, 247.

(8) 1 East, 296.

(9) 2 B. & C. 129.

of amending the caption, for he had nothing by which the amendment could be made—*Salter v. Slade* (1). The defendant, if he has any valid objection, must bring his writ of error either of law or of fact. [They were stopped by the Court.]

The Attorney General, *Thesiger*, and *Channell*, in support of the rule.—It is admitted, that the indictment having been found by more than twenty-three jurymen, is bad; but that fact must appear on the record: as the record now stands, it is alleged in the caption, that the bill was found by twelve grand jurymen and upwards. The present application is, that the truth may be shewn on the record. The clerk of the peace can shew that more than twenty-three jurymen were sworn, and he is now called upon to do so. The record is not erroneous, indeed, where the names are wholly omitted; but if the insertion of the names become material to the parties, the Court will order it to be made. The clerk of the peace has furnished a copy of the names of the grand jurymen.

[LORD DENMAN, C. J.—That was no part of his duty.]

[COLERIDGE, J.—What has the clerk of the peace? The sheriff's precept and return.]

Yes.

[COLERIDGE, J.—This matter is not in the minutes of the proceedings of the Court, and therefore it is proposed to amend the record by the recollection of the clerk of the peace.]

It is not sought to vary the record or introduce anything inconsistent with it, but only to supply an omission. Those minutes, which are made by the clerk of the peace, and by which he makes up the record, are only memoranda to assist his recollection. Here it is contended, that the clerk of the peace has sent up an imperfect return, and he is required to render it perfect, by amending the transcript, by which the present record has been drawn up. If it be said, that that transcript is a correct copy of the proceedings at the Sessions, as there recorded, then the defendant should have the record below

amended according to the truth—*The King v. the Inhabitants of Middlesex* (2).

[COLERIDGE, J.—Then that should have been the form of the present application.]

The Court can mould the present rule as it seems fit. They cited *The King v. Darby* (3), *The King v. Atkinson* (4), *Faulkner's case* (5), and *2 Hale*, P.C. 167.

LORD DENMAN, C. J.—This rule must be discharged. Such an application as the present appears never to have been granted on such materials as the present. No doubt we will amend a record when there is anything to amend by; but it would be most unreasonable for us to call upon the clerk of the peace to furnish us with materials for amending a record which appears to be perfectly regular, from what he can recollect or be informed of by others. A defendant, who has been convicted, is not to call upon all who sat in authority over him, to relate all the particulars of the proceedings, with the view of shewing that there was some trifling irregularity which might vitiate them. We have already said, that twenty-three is the largest number which ought to sit to make up a grand jury; and we trust that that observation will be attended to. But must the names of the grand jury be returned on the record? Lord Hale (6) indeed says, "It must name the jurors that presented the offence;"—"and it seems to me, that all the names of the jurors ought to be returned, for the party indicted may have an exception to some or one of them, as that he is outlawed, in which case the indictment may be quashed by plea, though there be twelve besides without exception, for possibly that one who is not *legalis homo*, may influence all the rest, and so vitiate the whole indictment." That is a strong reason why they should be inserted, but he does not lay it down, nor is there any other authority which holds, that a caption is not good unless the names be set out: on the contrary, there is the opinion of Buller, J. expressly, that the names are

(2) 5 B. & Ad. 1113; s. c. 3 Law J. Rep. (N.S.) M.C. 32.

(3) 4 East, 174.

(4) Ibid. 175, n.

(5) 1 Saund. 348.

(6) 2 Hale, P.C. 167.

(1) 1 Ad. & El. 608; s. c. 3 Law J. Rep. (N.S.) K.B. 304.

not necessary. As to what was called "the Mistake Session," the Judges had very great doubt whether any steps need have been taken when the error was discovered. If a party is to make out an error in fact, he is not to do so by means of affidavits, and leave it to the Court to determine it upon them, but he must plead it, and then prove his plea strictly.

WILLIAMS, J.—I have endeavoured to discover what the caption in the Court below was. In practice, there is only one general heading of the proceedings of each sessions, and when an indictment is removed, the record is made up in each particular case; and it has been decided in *The King v. Fearney* (7), that if the caption be bad, it may be demurred to, as well as the indictment. Now, if the present caption be the only one which the Sessions possess, there is nothing to amend the return by; and if it be true that the name of every individual grand juror must be returned on the caption, the defendant may have his remedy by demurrer, according to that case. We ought therefore to refuse this rule.

COLERIDGE, J.—I consider this simply as a rule calling upon the clerk of the peace to shew cause why the return should not be amended by inserting the names and additions of the grand jury who were sworn at the sessions. Let us see what is the state of the facts. There is at the sessions an original general caption to all the indictments there found, of which this is one. The defendant has sued out a *certiorari*, and has removed it, and what purports to be a transcript of that caption. Either it is or it is not a true transcript. If not, that fact could have been stated by the party now applying; but there is no such statement, and we must assume that it is a true transcript. The clerk of the peace has therefore *prima facie* done his duty. But the defendant says, that the transcript is not, in point of fact, true. The error, if any, is however in the original caption at the sessions. It is said, that rather than the purposes of justice should be defeated, the Court will mould the rule. One short answer, however, is, that a rule calling on the clerk of the

peace would be ineffectual; because I do not take it that he could amend the original caption without some order from that Court; at all events, the parties should have been called upon to answer that application. Another objection is, that there is nothing shewn by which the amendment can be made. The principle of law is, that an almost absolute verity is to be imputed to records, and it would be inconsistent therewith, if it could be said that they might be amended at any distance of time, not by any written document existing when it was originally made up, but from the loose memory or casual information of any person who may happen to be procured. I asked, whether, if the officer had been told that his original caption were wrong, he could alter it *memoriter*; and no other answer could be given than that such conduct would be wrong; how then would the Court be justified in calling upon him to make the present alteration, which must be done *memoriter*? As, therefore, there is nothing by which this record can be amended, I think this rule must be discharged.

PATSON, J.—Mr. Dealtry has mentioned, that in a case of *The King v. Allen* a writ of error was brought, and the cause assigned was, that the names of the jurors were not inserted, but it was held immaterial.

Rule discharged, with costs (8).

1837. } THE KING v. THE JUSTICES OF
April 23. } STAFFORDSHIRE.

Church Rate—Appeal—Notice.

The Sessions are not warranted in requiring a notice of appeal against an order of two Justices for payment of a church rate, to be served on both Justices previous to the hearing of the appeal. If notice were required at all, service upon one would be sufficient.

T. S. Simpkins, having been summoned before two Justices, pursuant to 53 Geo. 3. c. 127, s. 7, for non-payment of a church

(8) The defendant was afterwards brought up for judgment, and fined 200*l.*

(7) 1 Term Rep. 316.

rate, was ordered to pay it. He gave notice to the two Justices and to the churchwardens that he should, at the next Lady-day Sessions for Staffordshire, move to enter and respite the appeal, which was done. Previous to the Midsummer Sessions, he gave notice of trying the appeal to the then churchwardens and to one of the Justices who made the order. The Sessions refused to hear the appeal, because notice of trial had not been served on both the Justices, according to the practice of the sessions. A rule nisi for a mandamus to the Justices to hear the appeal had been obtained; against which, cause was now shewn by—

Whateley, on affidavits, stating that for the last sixteen years it had always been the practice of the sessions, that when appeals were to be tried against convictions and orders of Justices, other than orders of removal, notice of appeal was given to each of the Justices who made the order or conviction; at the same time it was admitted that the printed rules did not contain any such direction. He contended that this was a reasonable course of practice, as it was often desirable that Justices should have an opportunity of defending their own orders.

Wightman, contra, observed, that there was no necessity for serving the Justices at all; it was enough if notice was given to the churchwardens, who are the real parties. Certainly, however, notice to one Justice was sufficient.

LORD DENMAN, C.J.—The Sessions have no right to introduce a new condition of appeal which is not in the statute. But if notice to the Justices were necessary, service on one would be sufficient.

LITTLEDALE, J. concurred.

PATTERSON, J.—In the stat. 58 Geo. 3. c. 127. s. 7, nothing is said about notice.

COLERIDGE, J.—The rules of practice were silent as to the parties on whom notices were to be served. The two Justices act together on a joint authority; notice to one would be enough.

Rule absolute.

1837. } **THE KING v. THE JUSTICES OF**
May 25. } **BERKSHIRE.**

Sessions—Mandamus—Game.

The Sessions, on the hearing of an appeal against a game conviction under 1 & 2 Will. 4. c. 32, refused to allow evidence to be given by the appellant, to shew that the land did not belong to the persons alleged in the conviction, and confirmed it. This Court refused to grant a mandamus to the Sessions to hear the appeal.

Thomas Pratt was convicted on the 28th of November 1836, by two Justices, upon the 1 & 2 Will. 4. c. 32, of having committed a trespass, by entering upon land at Bagley Wood, in the county of Berks, the property of the president and scholars of St. John the Baptist College, in the university of Oxford, in search and pursuit of conies, from which conviction he appealed to the Quarter Sessions of the county of Berks.

At the trial of the appeal, the trespass having been proved, the appellants tendered evidence to shew that the land did not belong to the college; the Justices, however, refused to receive it, and affirmed the conviction.

J. J. Williams now moved for a mandamus to the Justices at Sessions to hear the appeal, contending, that as they had refused to receive the evidence, they had in effect refused to hear the appeal. That the evidence was admissible, appears from the 1 & 2 Will. 4. c. 32. s. 30, which provides, that any person charged with any such trespass shall be at liberty to prove, by way of defence, any matter which would be a defence to an action at law for such trespass. Here the respondents alleged, that it was the land of St. John's College, and the appellants might, at law, have shewn that it belonged to another person. This application is the only remedy, for by section 45, the certiorari is taken away, and therefore the conviction cannot be removed. In *The King v. the Justices of Carnarvon* (1), Holroyd, J. says, "If it had appeared in this case, that the Sessions had heard one side only, and had altogether refused to hear the other, I should

(1) 4 B. & Ad. 86.

have thought it the same as if the case had not been heard at all, and I should then have been of opinion that this mandamus ought to issue." The present case is according to that judgment.

LORD DENMAN, C. J.—There is only a statement here that the Sessions have made a mistake in law, which we cannot revise. They have heard the appeal, though they may have made a mistake.

Per Curiam—

Rule refused.

IN THE EXCHEQUER OF PLEAS.

1837. } CHAPPELL V. POLES AND AN-
May 30. } OTHERS.*

*Bastard—Assumpsit—Illegal Contract—
Money had and received.*

An action will lie to recover back money paid to parish officers to exonerate a party from further payments for a bastard child.

An action is well brought against those in office at the time of the child's death, though they have since quitted office, and paid over the money to their successors.

Seemle, that the whole sum paid may be recovered, and not merely the balance, remaining after deducting the expenses the parish have been put to during the child's life.

Assumpsit for money had and received.

Pleas—Non assumpsit, and a set-off.

At the trial, before Williams, J., at the last Spring Assizes for Somersetshire, the following facts appeared. The plaintiff was the father of a bastard child, born in the parish of ———, on the 19th of April 1832. The defendants were the churchwardens and overseers of the same parish, and came into office at Lady-day 1832. In June 1832, an order of affiliation was made upon the plaintiff to pay 2l. 7s. for expenses incurred, and 2s. per week, as long as the child was chargeable. On the 18th of September 1832, the plaintiff paid to the defendants 30l., "to exonerate him from all further charges and expenses that may occur from a certain base child sworn to him," &c. For this

sum a receipt was given, signed by all the defendants. The child died on the 26th of January 1833. The defendants went out of office at Lady-day 1833; at which time, there was a balance of parish money in their hands of 116l. 12s., in which sum was included the 30l. received from the plaintiff, and that balance was handed over to their successors when the defendants went out of office. The defendants had expended 5l. 2s. in maintaining the child, which was the sum they sought to set off. This action was brought to recover back the 30l. so paid by the plaintiff. The jury found a verdict for the plaintiff for 24l. 18s., the remaining balance.

Erle having moved, by leave of the learned Judge, to enter a nonsuit, on the ground that the action would not lie against the defendants, after they had gone out of office and paid the money over—

Sir W. W. Follett and Haleomb showed cause.—The child having died before the termination of the defendants' year of office, this action will lie against them. This was money had and received by them to the plaintiff's use, and should not have been paid over. If the defendants intended to discharge themselves from their liabilities by any matter *ex post facto*, they should have specially pleaded it since the new rules. The rule was granted upon the authority of the case of *The King v. Martin* (1), which is supposed to be at variance with the numerous authorities upon this subject; but there, it did not appear that the child had died, and the defendant was indicted for the fraud, in having concealed the receipt of the 20l. Lord Ellenborough's judgment there is applicable to the peculiar circumstances of that case, and proceeds upon the fraud and concealment of the overseer. In *Watkins v. Hewlett* (2), *The King v. Martin* is cited as an authority in support of the action, and not against it. *Cole v. Gomer* (3) is the earliest case on this subject, where the money was recovered back, on the ground of the contract being illegal, and giving the parish an interest in the child's death. In *Jounson v. Wilson* (4), the defendants had gone out of

(1) 2 Campb. 268.

(2) 1 Brod. & Bing. 1.

(3) 6 East, 110.

(4) 1 Campb. 396.

* This case is reported by J. Deedes, esq.

office, and it is clear, from the facts found, that the child had died. *Stainforth v. Staggs* (5) and *Fernall v. Horne* (6) are to the like effect. All these cases were considered and confirmed in *Clark v. Johnson* (7), and the principle carried still further, as that case decided that the money might be recovered back, though the child was still living.

[PARKE, B.—Suppose the Statute of Limitations were in question, you would contend it ran from the time of payment, and not from the death of the child.]

The Courts have also considered these contracts bad, as being contrary to the provisions of the acts of parliament applicable to such cases—6 Geo. 2. c. 31, and 49 Geo. 3. c. 68. s. 2.—They further cited *Strangeways v. Robinson* (8), *Gilbert v. Sykes* (9), *The Overseers of St. Martin-in-the-Fields v. Warren* (10).

Erle, contra.—This is an illegal contract from the beginning, and an action for money had and received will not lie; and further, in this case, the money having been handed over to the new officers, with the consent of the party paying, it is now too late to seek to recover it.

[PARKE, B.—If this was ever money had and received in the hands of the defendants, and they have discharged themselves, they should have pleaded it; but, if the plaintiff could never have maintained this action against them, then you are right.]

Howson v. Hancock (11) and *Hastelow v. Jackson* (12) are authorities for this position. In the latter case, the distinction is pointed out by Bayley, J., in his judgment. Here, the money was not delivered to the defendants for their own benefit, and has been carried over to the parish accounts, and, this being done with the consent of the plaintiff, distinguishes this case from those cited.

[PARKE, B.—Here, the defendants are not stakeholders. The money may be recovered without demand.]

Besides, here was no notice to the defendants of rescinding the contract.

[PARKE, B.—Did it want any rescinding at all? Was it not money had and received from the beginning?]

The King v. Martin is an express authority that the party is indictable, for not bringing into account and handing over the money he has received.

LORD ABINGER, C.B.—If we adhere to the principles of the decided cases, we must consider this point as settled, and that the plaintiff is entitled to recover. *The King v. Martin* is, in one respect, distinguishable—as, under the particular circumstances of that case, the party was bound to pay over the money. Lord Ellenborough had before decided, that such a contract was illegal, and the money might be recovered back. I am disposed to refer that part of the judgment, in *The King v. Martin*, in which it is said that the officer is subject to an indictment, to such a portion of the money as he was bound to pay over. Here, the contract of indemnity is of an improper kind, and not what the law warranted. But, supposing, in this case, we should consider the contract lawful—as an indemnity to the parish officers—but still not exonerating the father, the death of the child left money in their hands, which, at all events, they ought to have repaid to the father; the object of the payment by him being exhausted, even in the narrowest construction of the case, he would be entitled to recover that money; but the better way is to put it on the broader ground, and then, from the decided cases, it is clear, that the money was paid upon an unlawful consideration.

PARKE, B.—I also think the plaintiff is entitled to recover. *Clark v. Johnson* not only decided that a security given was void, but that money paid to parish officers as an indemnity was, under these circumstances, illegal, and might be recovered back, and that the parties were not *in pari delicto*. The Statute of Limitations would begin to run from the moment the money was paid to the parish officer. It has been held, that the parish has no right to take any indemnity, except that which is in accordance with the statutes. But, assuming that this is a legal contract, and that the

(5) 1 Camph. 398.

(6) Ibid. Addenda, 564.

(7) 3 Bing. 424; s. c. 4 Law J. Rep. C.P. 134.

(8) 4 Taunt. 498.

(9) 16 East, 157.

(10) 1 Barn. & Ald. 491.

(11) 8 Term Rep. 575.

(12) 8 B. & C. 225; s. c. 6 Law J. Rep. K.B. 318.

money was properly deposited in the hands of the defendants to indemnify themselves, even in that point of view, the plaintiff would be entitled to recover any money remaining in their hands upon the death of the child; and the implied undertaking to pay the money over to their successors, relied upon by *Mr. Erle*, could not arise, as the only ground on which it could be presumed would be, that the child continued chargeable to the parish; but if, as here, the child dies during the continuance in office of those who received the money, there could be no implied direction to them from the plaintiff to pay it over. The case of *Jounson v. Wilson* is an express authority upon the principal point. The case of *The King v. Martin* may be explained on the ground, that the officers were compellable to pay over the money. The broad ground on which I put this case is, that the contract from the beginning was void and illegal; and that, from the first, it was money had and received to the plaintiff's use; and therefore, the action was properly brought against the present defendants.

Rule discharged.

1837. { THE KING v. THE VESTRYMEN
June 7. { AND VESTRY CLERK OF ST.
MARYLEBONE.

Poor Rate—Vestry Book, Inspection of.

In the parish of Paddington, there is a book, containing accounts of the rates, kept under the authority of a local act, which does not provide for its inspection, or being copied by the rate-payers:—Held, that the Court had no authority, under that act, or the 1 & 2 Will. 4. c. 60, which has been adopted by the parish, or at common law, to order the vestry to grant an inspection thereof to a rate-payer; or to allow him to make copies of or extracts from it.

The parish of St. Marylebone, having adopted the provisions of the 1 & 2 Will. 4. c. 60, the vestry, on the 4th of July 1835, resolved, that no person should copy from the rate-books; and that, agreeably to the 32nd section of that act, no person should be allowed to inspect the

books of the parish, except a rate-payer or creditor of the parish. *Mr. C. Hibble*, a rate-payer, applied subsequently to the vestry clerk, at the court-house, for permission to inspect and take copies of or extracts from the rate-books of the parish. He was allowed to inspect the books, but not to take copies or extracts. On a former day, a rule *nisi* for a *mandamus* had been obtained, directed to the defendants, commanding them to permit *Mr. H.* to inspect and take copies or extracts from the rate-books, and all other books mentioned, referred to, and declared to be open at all seasonable times, by the 1 & 2 Will. 4. 60. Affidavits were filed in answer, from which it appeared, that the rate-books did not contain a correct account of the parish expenditure; but that there was a book kept by the direction of the vestry at the court-house, in which the parish accounts were correctly entered, which was at all seasonable times open to the inspection of the vestrymen, rate-payers, or creditors, who might take copies of or extracts from it; and that neither the applicant, nor any vestryman, rate-payer, or creditor of the parish had applied, or had been disallowed to inspect this book. The rate-books for the current year were in the hands of the collectors.

The Attorney General, on a former day in this term, shewed cause.—The application is not warranted by law to its full extent; and that which may be lawfully required has never been refused. The 17 Geo. 2. c. 38. ss. 2 & 3. authorizes an inspection of the rate-book: that has been granted. The 1 & 2 Will. 4. c. 60. s. 32 (1)

(1) Which enacts, "That the vestry shall and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein, of all sum or sums of money received and disbursed for or on account of parochial purposes, and of the several articles, matters, and things for which such sums of money shall have been so received and disbursed, which book or books shall at all seasonable times be open to the inspection of the said vestrymen, and of any person or persons rated to the relief of the poor of the said parish, and of any creditor or creditors on the same, without fee or reward; and the said vestrymen and persons and creditors as aforesaid, or any of them, shall and may take copies of or extracts from the said book or books, or any part or parts thereof, without paying anything for the same; and, in case the clerk to the said vestrymen, or other person with whom such books shall remain, shall, on any

requires a debtor and creditor account of the parish expenditure to be kept in a book, which is to be open to inspection, and of which copies or extracts may be taken. The applicant was not refused either an inspection, or the liberty of making copies or extracts from that book. He seeks, however, to inspect and make copies of some other books not rate-books; and he relies now on a local act, 35 Geo. 3. c. 73, which directs, that the rates are to be made, and the accounts are to be kept in a particular book. That, however, is not made by the act open to the inspection of the rate-payers, and is not the book referred to by the 1 & 2 Will. 4. c. 60.

Sir W. W. Follett and Tomlinson, in support of the rule, observed, that the object of the application was to enable the applicants to check the admission of improper voters on the register of electors; and they contended, that this book, which was kept under the local act, was referred to in the 1 & 2 Will. 4. c. 60. s. 32. At all events, it was a public parish-book, which all the rate-payers have a right to inspect, and to copy, and extract from—*The King v. the Justices of Leicester* (2).

The Court expressed a doubt as to the propriety of that decision (3); and Lord Denman expressed an opinion, that an inspection was not properly refused; but, whether it could be demanded as of right—

Cur. adv. vult.

And now, LORD DENMAN, C.J. said—The applicant says, that he cannot obtain the information necessary for purposes relating to the registration of voters for the election of members to serve in parliament, if he be not allowed to take copies of or extracts from these books. Upon consideration, we think, that, neither by any general principles of law, nor by either of the acts of parliament referred to, can we make this rule absolute.

Rule discharged, without costs.

reasonable demand, refuse to permit or shall not permit the said vestrymen, persons, or creditors, or any of them, to inspect the said book or books, or to take such copies or extracts as aforesaid, such clerk or other person shall forfeit and pay any sum not exceeding 10*l.* for every such offence.”

(2) 4 B. & C. 891; s. c. 5 Law J. Rep. K.B. 95.

(3) See *The King v. Justices of Staffordshire*, ante, p. 65; s. c. 1 New. & P. 260.

1837, }
June 6. } WILLIAMS v. BYRN.

Hiring and Service, Contract of.

A engaged to serve B, as a newspaper reporter, for one whole year from a certain day, and so from year to year, reckoning each year from that day, as long as they should respectively please, at a weekly salary:—Held, that the service could only be determined by a notice terminating with the current year of the hiring; and therefore, that a notice alleged to be usual and reasonable, given in the middle of a year, was insufficient.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 239.]

1837.
June 11.

THE KING, ON THE PROSECUTION OF THE GUARDIANS OF THE POOR OF THE HOLBORN UNION v. THE GOVERNORS AND DIRECTORS OF THE UNITED PARISHES OF ST. ANDREW, HOLBORN, AND ST. GEORGE THE MARTYR.

Mandamus—Return—Practice—Guardians of the Poor.

The rule of practice, that there must be eight days between the teste and return of a writ of mandamus, is applicable, where a mandamus, absolute in the first instance, is directed to governors and directors of the poor of a district, under a local act, to pay money from the poor-rates, for their proportion of expenses incurred by the guardians of a union under 4 & 5 Will. 4. c. 76.

And, if the parties who obtain such writ make it returnable at an earlier day, without the leave of the Court, the Court, on the objection being brought to their knowledge, will quash the writ of their own act.

Semble—That if there is a difference of opinion amongst the directors and governors, as to obeying the mandamus, or making a return thereto, some of them cannot make a separate return, or apply to set aside the writ for irregularity.

The Holborn Union was formed under an order of the Poor Law Commissioners in March 1836, and contained, among others,

the parishes of St. Andrew, Holborn, and St. George the Martyr, both of which parishes were previously united and governed by a local act. Under that order, twenty guardians were elected, and there was no opposition to it. A board of governors and directors of the poor is elected under that local act, part of whose duty consists in the making and collecting of the rates; and by the 4 & 5 Will. 4. c. 76, and by the regulations of the Poor Law Commissioners, they are to pay to the board of guardians of the union such sums as the latter shall deem necessary for their proportion of the expenses of the poor. On the 14th of May last the board of guardians of the union made an order upon the governors and directors to pay a sum of money from the poor-rates for their proportion of the expenses incurred by the union. This precept, as well as several others previously issued, was discharged, and the union guardians having exhausted all their funds, applied to this Court for a *mandamus* to the governors and directors to pay the several sums so required by them out of the poor-rates of the said united parishes.

The Attorney General, on a former day in term, urging upon the Court that this was analogous to the case of a *mandamus* to overseers to make and levy a poor-rate, obtained the rule absolute in the first instance. The *mandamus* issued tested the 3rd of June, and returnable on the 9th. It appeared, that there was a difference of opinion among the governors and directors, as to what return should be made, and it was proposed that two should be made; and they were accordingly prepared. One was filed, which stated, that the orders of the Poor Law Commissioners forming the union was illegal. The other was not filed in consequence of some of the overseers having moved to set aside the writ of *mandamus* for irregularity. Notice was given by the union guardians of a motion to quash the return.

The Attorney General and *Wightman* now appeared to make that motion, but previously shewed cause against the rule for setting aside the writ, and complained of the attempt to put two answers on the file. The answer ought to be by the board, and not by individual members. However, it is objected, that the writ of *mandamus* is defective, be-

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cause there is not a proper number of days between the teste and the return. But the board of governors and directors cannot urge that objection, because they have made a return, and no individual governors have a right to come forward. Even if they may, this is not a valid objection. The Court have ordered the return to be made within a certain time, and surely there can be no law to prevent them from doing so. It would be most inconvenient if they had not that power.

Sir W. W. Follett and *Manning* appeared for the governors who had signed the return.

Erle.—The writ of *mandamus* is defective. By the rule of court, there ought to be eight days between the teste and the return of every writ of *mandamus*—*Com. Dig.* 'Mandamus,' C, 1, 2 *Salk.* 433, *The King v. Mayor of Dover* (1).

Manning suggested that the rule applied to corporations only.

LORD DENMAN, C.J.—I have great doubt whether Mr. Erle's clients can be heard in this case. When certain persons are called upon to do an act, and a majority of them agree to obey, I do not think that some members, who do not agree, ought to be allowed to make a separate return. The present objection, however, is brought to our knowledge, and the practice certainly requires that there should be eight days between the teste and the return; and we find, that notice was given that the *mandamus* was wrong when it was issued. There is an irregularity in the writ, which is contrary to the well-established practice of the Court, which we may not depart from. If it had been shewn to the Court that a speedy return was required, the Court might have so ordered it, but the parties had no right to make it themselves. This having been brought to our notice, we cannot consistently with our own rules, allow it to remain. I do not say that we make the rule absolute, but the quashing of the writ is our own act.

LITLEDALE, J., PATTESON, J., and WILLIAMS, J. concurred.

Writ of mandamus quashed.

(1) 1 *Stra.* 407.

THE KING V. BARDELL AND OTHERS.

Indictment—Arbitrator—Revocation.

The statute 3 & 4 Will. 4. c. 42. s. 39, which restrains a party from revoking the power of an arbitrator appointed by an order of *Nisi Prius*, &c., or "by or in pursuance of any submission to reference, containing an agreement that such submission shall be made a rule of court," applies only to submissions by order of *Nisi Prius* in civil actions, and not to an order of *Nisi Prius* referring an indictment which contained an agreement that it should be made a rule of court.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 30.]

M'GAHEY, CLERK TO THE VESTRYMEN OF ST. PANCRAS, V. ALSTON AND SEWELL.

Parish Officers—Evidence—Competent Witness—Secondary Evidence.

The paying clerk appointed under the St. Pancras Act is not merely an annual officer.

In an action brought by a vestry clerk on behalf of the parish, under a local act, where there was a plea denying his due appointment to the office:—Held, that evidence of his acting as such was sufficient *prima facie* evidence for the plaintiff.—Held also, that one of the vestrymen was a competent witness for him.

Quære—whether, in an action against a collector and his surety, the accounts rendered by the former are evidence of the receipt of money against the latter.

A cheque drawn on account of a parish was delivered to the defendant, the paying clerk. It was shewn that the bankers on that day paid a sum of that amount, and that it was their custom to return the cancelled cheques to the paying clerk, who ought to have deposited them in a proper place at the workhouse: application had been made to his successor at that place, who handed some bundles to a witness, who searched them without success. The paying clerk was not called:—Held, sufficient search, to let in secondary evidence of the cheque.

[For the report of the above case, see 6 Law J. Rep. (N.S.) Exch. p. 29.]

THE KING V. THE COMMISSIONERS OF THE THAMES AND ISIS NAVIGATION.

Mandamus—Compensation—Private Act.

The Commissioners of the Thames and Isis Navigation were empowered to make a new cut, &c., and by one section of the act it was provided, "that if any person should think himself aggrieved, damaged, or injured by any wall made by the commissioners, or by the operation and effect of such work, and should make complaint thereof, in writing, to the commissioners, under his hand, the commissioners should hear and report on such complaint, and should make such order, determination, and judgment thereon, as they should think just, and give such compensation to the party complaining as they should think reasonable; and if the said party should be dissatisfied with such order, determination, and judgment, it might be lawful to appeal to the next General Quarter Sessions; and the said Court of Quarter Sessions should and might entertain and take cognizance of the appeal, and make such order and adjudication thereon as to the Justices should seem just, and award such costs to either party as they should think reasonable, which order and determination should be final and conclusive to all intents and purposes whatsoever." B, who had a towing-path by the side of the ancient channel of the river Thames, made complaint to the commissioners of an injury accruing to him, by reason of a new cut made by the commissioners, the consequence of which was, that the navigation of the old cut was almost entirely disused, and his towing-path rendered useless and unprofitable. The commissioners in answer said, that they could not accede to the application; upon which B appealed to the Quarter Sessions, who awarded 1,000*l.* by way of compensation, and 200*l.* for costs.

Held, first, that the answer of the commissioners, that they could not accede to the application, was an order, determination, or judgment on which to found an appeal to the Sessions:

Secondly, that by the provisions of the act upon such appeal, the Sessions had full cognizance of the matter, and were enjoined to make such order and determination thereon as to the Justices should seem just and reasonable; and it was impossible to say that

the Sessions had done wrong in deciding that the damage accrued by the operation and effect of the work done by the commissioners.

This Court, therefore, granted a peremptory mandamus to enforce the order of Sessions.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 17.]

THE KING V. THE TRUSTEES OF THE NORWICH AND WATTON ROAD.

Turnpike Act—Compensation—Certiorari.

Where the value of several interests is to be assessed by the jury impanelled under the 3 Geo. 4. c. 126. s. 85 (the Turnpike Act), an inquisition finding one gross sum only, is invalid.

An inquisition having been taken, and the jury having returned their verdict,—Held, that it was not premature to remove that inquisition by certiorari before the trustees had made any order upon it.

Semle—That the notice required to be given to the parties interested previous to the summoning of the jury, should appear in the inquisition.

The certiorari to remove proceedings under the 3 Geo. 4. c. 126. is not taken away by the 4 Geo. 4. c. 95.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 41.]

THE KING V. OCTAVIUS MASHITER.

Meaning of the word "Inhabitant."

The word "inhabitant" has no legal definite meaning, but its signification varies according to the subject-matter to which it is applied.

[For the report of the above case, see 6 Law J. Rep. (N.S.) K.B. p. 121.]

ATTORNEY-GENERAL V. LEWIN.

Statute 59 Geo. 3. c. 12—Construction—Churchwardens—Copyholds.

Freehold and copyhold estates had been vested at different times in trustees, in trust for the repair of the church and the relief of

the poor in a particular parish, for binding one poor boy apprentice, for instructing the poor, and for other charitable purposes in the same parish:—Held, that these estates were not vested in the churchwardens and overseers of the parish, under the statute 59 Geo. 3. c. 12.

Whether, under that statute, churchwardens and overseers are empowered to hold copyhold lands—*quære.*

[For the report of the above case, see 6 Law J. Rep. (N.S.) Chanc. p. 204.]

CHARRINGTON V. METHERINGHAM.

Overseer—Costs—Poor and Highway Rates.

An overseer of the poor, who is sued for distraining for poor and highway rates, is not entitled to treble costs when the plaintiff is nonsuit.

[For the report of the above case, see 6 Law J. Rep. (N.S.) Exch. p. 23.]

PULLER V. TAYLOR.

Metropolitan Paving Act—Construction.

The 58th section of 57 Geo. 3. c. 29, entitled, 'An act for better paving, improving, and regulating the streets of the metropolis, and removing and preventing nuisances and obstructions therein,' authorized the commissioners or trustees, &c. having the controul of the pavements of the streets and public places in any parochial or other district within the jurisdiction of the act, to cause posts of wood, stone, or iron, to be set up near or adjoining to the foot pavements in such part &c. as they should judge necessary. It also authorized them to set up posts and rails near or adjoining to any vacant ground or other exposed and dangerous place abutting upon or adjoining to any of the streets or public places in such parochial or other districts, &c. for the purpose of preventing accidents and casualties. The defendant (the clerk to the Commissioners of Paving) having fixed two posts and an iron rail adjoining to a certain yard or space:—Held, that he had exceeded the authority given by the statute, inasmuch as the yard or space adjoining to which the posts and rail had been fixed, was

not, from what appeared in the case submitted for the opinion of the Court, vacant ground, or an exposed and dangerous place.

Semble—that the casualties and accidents, for the prevention of which the authority was given, are such as affect the public, not such

as operate as a nuisance to a private individual, and for which the law has provided the party with a remedy.

[For the report of the above case, see 6 Law J. Rep. (N.S.) C.P. p. 275.]

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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS
OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:

7 WILLIAM IV.—1837.

BEING THE THIRD SESSION OF THE TWELFTH PARLIAMENT

OF SUCH
UNITED KINGDOM.

FROM
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MDCCCXXXVII.

BEGUN
AT WESTMINSTER,
THE
19TH FEBRUARY, ANNO DOMINI 1835,
AND
FROM THENCE CONTINUED,
BY SEVERAL PROROGATIONS,
TO THE
31ST JANUARY, 1837.

ABRIDGMENT
OF THE
PUBLIC GENERAL ACTS,
7 WILLIAM IV.—1837.

CAP. I.

AN ACT to suspend for a limited Time the Operation of Two Acts passed in the last Session of Parliament, for registering Births, Deaths, and Marriages in *England*, and for Marriages in *England*.
(24th February 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *How recited Acts shall be construed as to certain dates.—Proviso.*
2. *First quarterly deliveries of copies of registers, &c. to be in October.*
3. *Act may be amended or repealed this session.*

By this ACT,

After reciting the passing of 6 & 7 Will. 4. c. 86, and 6 & 7 Will. 4. c. 85, and that by reason of the provisions therein contained the said Acts would come into force on the 1st day of March now next ensuing; but it is expedient that the full operation of the same should be further delayed:—

It is Enacted,

I. That, subject to the proviso hereinafter contained, the said two Acts respectively shall be construed as if the words “last Day of June” had been inserted in the said Acts instead of the words “First Day of March”, in every place where the last-mentioned words are found in the said Acts respectively: Provided always, that the Registrar of every diocese shall, within fifteen days after the 1st day of March now next ensuing, make out and send, through the Post Office, directed to the Registrar General of Births, Deaths, and Marriages at his office, a list of all chapels belonging to the Church of England within that diocese wherein marriages may be solemnized according to the rites and ceremonies of the Church of England, as if this Act had not been passed.

II. That notwithstanding anything in the said Acts contained, or either of them, the first certified copies of all the entries of births and deaths, or first certificate that there has been no birth or death registered in the register book to be kept by any registrar of births and deaths, and the first certified copy of all the entries of marriages, or first certificate that there has been no marriage entered in the register book kept by any rector, vicar, curate, registrar of marriages, registering officer of the Society of Friends, or secretary of a synagogue, shall be made and given to the Superintendent Registrar in the month of October now next ensuing, and shall contain and certify all the entries made up to the time at which the same shall be so certified to be a true copy, or that there have been no entries up to that time, as the case may be.

III. That this Act may be altered, amended, or repealed by any Act passed in this session of Parliament.

CAP. II.—IRELAND.

AN ACT to amend an Act passed in the Seventh Year of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*.

(24th February 1837.)

By this Act,

After reciting that by 6 & 7 Will. 4. c. 116, it is, amongst other things, enacted, that it shall not be lawful for any grand jury of any county, county of a city, or county of a town (except the county and city of Dublin), at any assizes, to make any presentment (save and except in the cases in the said Act specially reserved and excepted) for the execution of any public work whatsoever, or for raising any money, unless under the authority and by virtue of the provisions of the said Act: And that since the passing of the said Act doubts have been entertained whether certain presentments can be legally made by the several grand juries in Ireland at the next spring assizes, the presentment sessions at which application should have been made for such presentments not having been appointed or held under the said recited Act; and that it is expedient that such doubts should be removed, and that the said Act should in other respects be amended:—

It is Enacted,

I. That it shall and may be lawful for the grand juries of each county, county of a city, and county of a town in Ireland, at the next spring assizes, to make presentments in the same manner as they would have been authorized to do in case the several previous presentment sessions for their respective counties, necessary in that behalf, had been appointed and held and the several applications thereto made under the provisions of the said recited Act; and all such applications, and all presentments of such grand juries, and the several proceedings of the previous presentment sessions and of preceding grand juries thereof, *bona fide* made and entered into, either according to the said Act or to any law in force immediately before the passing thereof, shall be good and valid to all intents and purposes whatsoever.

And after reciting that doubts have arisen how far the county of Dublin and the county of the city of Dublin are within the operation of the said Act, and that it is expedient to remove such doubts;—

It is Declared and Enacted,

II. That the said Act shall not be construed to affect or extend to the said counties or either of them, save and except only in so far as provision is by the said Act made requiring the grand juries of such counties to transact their fiscal business in open court, and for the more speedy and effectual repair by the Commissioners for the Extension and Promotion of Public Works in Ireland, upon the application of His Majesty's Postmaster General, of roads upon which His Majesty's mails are carried, which provisions shall remain in full force and effect.

III. That a notice in writing of every application for any work intended to be made at any presentment sessions holden under the provisions of the said recited Act shall be affixed, by or on behalf of the person or persons intending to make such application, on or immediately adjacent to the doors of every police station or barrack within such parish or parishes wherein the work to which such applications shall relate is proposed to be executed, and at the places (if any) appointed by the grand jury for posting notices therein; and such notices shall be so affixed at the time in the said Act directed: and a copy of every such notice shall be delivered to the clerk of the petty sessions of the district where the work for which such application is intended to be made, or the greater portion thereof, is to be performed, instead of to the clerk of the petty sessions of the district off which it is proposed that the larger portion of the expense of such work is to be raised, as by the said Act is directed; and the notice of every such application shall be delivered to the county surveyor ten days before the day appointed for holding the first presentment sessions in each county after every assizes: Provided always, that the delivery of any such notice to the baronial constable fifteen days before the day appointed for holding such sessions shall be deemed to be due notice to the said county surveyor; and any baronial constable to whom any such notice may be delivered shall transmit the same to the said county surveyor within five days after he shall have received the same; and it shall not be necessary to deliver any such notice other than the application itself to the secretary of the grand jury.

IV. That all applications for works the expense whereof is by the said Act directed to be levied, one half off the county and the other half off any barony or baronies in which such works or any part thereof may be situate, shall be made at the presentment sessions to be holden for the barony in which such work or the greater portion thereof is locally situated.

And after reciting that by the said recited Act of the last session of Parliament it is amongst other things enacted, that no presentment for any fever hospital or dispensary established by private subscriptions or donations shall be made in case it shall appear that the salary of the medical attendant during the last year amounted to one-half of the sum to which the subscriptions, donations, and the sum presented would amount: And that the said enactment hath been found inconvenient;—

It is Enacted,

V. That the said enactment shall be and the same is hereby repealed.

VI. That it shall and may be lawful for any two Magistrates, who, in the absence of the coroner of any county, may have held any inquest relative to the death of any person, and before whom any physician, surgeon, apothecary, chemist, or other person practising medicine or surgery shall, in obedience to a summons from such Magistrates, attend and be examined as a witness at such inquest, to grant such witness an order, signed by such Magistrates, upon the treasurer of the county wherein such inquest shall be held, for such sum, not exceeding 3*l.*, as to such Magistrates shall seem fit; and the amount of all such payments shall be presented in the same manner as any sums which coroners are by the said recited Act authorized to grant to medical witnesses; provided that such Magistrates shall certify, as the coroner is directed, the amount and particulars of all such sums to the presentment sessions, and that such payment shall have been approved thereat.

VII. That the power of any Judge of Assize to order and of grand juries to present, under the provisions of the said Act, any sum not exceeding 5*l*. for the maintenance of deserted children, shall extend to cases where any child shall have been left exposed and deserted before the passing of the said Act: Provided always, that such presentment shall be applied for and levied and paid in the manner by the said Act particularly directed.

VIII. That the county treasurers of the cities and towns in the fifth and sixth classes of the Schedule marked (S.) to the said recited Act annexed shall (except in those cases where the grand juries of such cities and towns shall, with the consent of the Court, determine on paying such officers by a poundage on their receipts,) be paid and remunerated for their respective duties, services, and expenses by annual salaries only, payable half-yearly at each assizes by equal moieties, and not exceeding the amount respectively limited in the said Schedule as the salary of the clerks of the peace in the same cities and towns in each of the said classes; and the grand juries of such cities and towns at each assizes shall and may present (without previous application to presentment sessions) for each such treasurer, to be raised off the county at large, the moiety of such annual salary: Provided always, that in case of any negligent or insufficient discharge of duty by any such treasurer, it shall and may be lawful to and for the grand jury of any such city or town, with the express sanction of the Court, but not otherwise, to present any sum or sums less in the whole than the moiety of the annual salary hereby specified to be paid to such treasurer, or to withhold or refuse to make any presentment whatever for such treasurer.

IX. That the sheriff of each county in Ireland, in which there are not ten baronies or half baronies, shall, in framing the panel of persons summoned to serve on the grand jury of such county at each assizes, after the passing of this Act, observe the rule hereinafter following; (that is to say,) he shall place first on such panel for each barony or half barony in such county the name of some person having in such barony or half barony freehold lands of the yearly value of 50*l*. and upwards, or leasehold lands of the yearly value of 100*l*. over and above the amount of rent payable out of or for such leasehold lands, so that as far as can be one fit and competent person, having lands of the value aforesaid, and resident in each barony, if the same can be found therein respectively, shall be placed upon such panel; and having in such manner selected such one fit and proper person for each barony and half barony, the sheriff shall complete the said panel as now by law authorized and directed, and the persons taken from the panel so framed shall be and constitute the grand jury or inquest of such county; anything in any writ, precept, or venire facias expressed or directed, or any law, statute, usage, or custom, to the contrary notwithstanding, and as if such grand jury were altogether composed of freeholders: Provided always, that no presentment or indictment made or found by any grand jury shall be liable to be traversed, quashed, or in any manner impeached by reason of the grand jury not being selected as aforesaid; but any sheriff of such county who shall wilfully omit or neglect to follow the rule hereby made for the selection of the grand jury shall be liable, on a complaint made to the Judge of Assize, to be fined such sum as to such Judge shall seem proper.

X. That in all cases in which, under the powers vested in them by law in that behalf, the Commissioners of Public Works in Ireland shall agree with any grand jury to grant one moiety of the expense of any road or other public work, on such grand jury securing the payment of the other moiety thereof by presentment, it shall and may be lawful to and for the said Commissioners either to execute the said work by persons employed by them, or to permit such grand jury to execute the same in the manner required by the said recited Act for other public works of the like nature: Provided always, that it shall not be lawful for such grand jury in any case to make a presentment for payment of such moiety, except after and upon an application for such work duly made to and approved at a presentment sessions in the manner required by the said Act.

XI. That whenever the said Commissioners of Public Works in Ireland shall, under the provisions of the said Act, 6 & 7 Will. 4. or of the Act, 1 & 2 Will. 4. intituled, 'An act for the Extension and Promotion of Public Works in Ireland,' have undertaken the repair or maintenance of any public road, it shall and may be lawful for the said Commissioners at all times thereafter to exercise all and every the same powers and authorities which are now vested in the surveyor of any county, or the contractor for any road, under and by virtue of the said Act, 6 & 7 Will. 4. or otherwise howsoever, or as the said Commissioners by the Act, 6 Geo. 4. c. 101, intituled, 'An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in Ireland,' as far as the said Commissioners may consider the same or any of them necessary for the preservation and good order of such roads, and the removal of all nuisances thereon, as also for the purpose of obtaining materials for such repairs or maintenance which they shall have so undertaken.

And after reciting that doubts have existed whether in counties where the grand jury cess is apportioned upon both lands and houses, the high constables or other collectors of grand jury cess in preparing certain returns to be by them made and delivered to the secretary of the grand jury, pursuant to the directions of the said recited Act, ought to include in such returns the names of persons occupying houses;—

It is Enacted, for the Removal of such Doubts,

XII. That in such counties as aforesaid the high constables or other collectors of grand jury cess shall, in preparing said returns, include therein the names of persons in actual occupation of houses, in the same manner in all respects as by the said recited Act they are directed to proceed in framing such returns with respect to other persons chargeable with grand jury cess on account of other property.

And after reciting that by the said recited Act it is amongst other things enacted, that the grand jury of every county shall at each assizes appoint a proper person resident in the barony to be high constable or collector thereof: And that the said enactment has been found inconvenient, so far as it requires that the high constable or collector shall reside within the barony;—

It is Enacted,

XIII. That it shall not be necessary that the person so appointed to collect shall actually reside within the barony, provided it shall appear to the Magistrates and rate-payers assembled at the sessions of the barony, and to the grand jury, that his usual place of residence is sufficiently contiguous thereto; anything in the said recited Act to the contrary in anywise notwithstanding.

And after noticing that in the said recited Act it is enacted, that it shall be lawful for the several grand juries in Ireland and they are thereby required at each assizes to appoint by presentment certain places within their respective counties, viz. one in each barony or half barony, where, and certain times when, presentment sessions shall be successively holden previous to the next assizes for such counties respectively, for the purposes set forth in said recited Act; and said recited Act enacts, that such presentment shall appoint the last meeting of such sessions to be holden in the County Court House: And that in many counties in Ireland the County Court House is not centrally situated in regard to the county;—

It is Enacted,

xiv. That it shall be lawful for the several grand juries and they are hereby required to appoint by presentment the last meeting of such sessions to be holden either in the County Court House or such other court house or place as they may deem most conveniently situated for the purpose; and the presentment sessions for the county at large shall be holden there; any words in the said recited Act to the contrary notwithstanding.

xv. That it shall be lawful for any grand jury to re-present any such sums of money as now are or at any time hereafter shall be unpaid or in arrear out of any denomination barony, county of a city or town, to be raised and levied on such denomination barony, county of a city or town, or on any part or portion thereof, upon which the same was originally required by the treasurer's warrant to be levied; and such sums of money so re-presented shall be levied in the same manner, and subject to the same rules, regulations, provisions, and powers, as any other sums of money presented by any grand jury.

And after reciting that the time limited by the said recited Act for lodging with the secretary of grand jury the certificates of the due execution of works contracted for, or of the performance of contracts, which contractors are by the said Act required to obtain from the county surveyor previous to applying for payment, has been found inconvenient; and that it is expedient to amend the said Act in that respect;—

It is Enacted,

xvi. That it shall be sufficient for such contractors, and they are hereby required, to produce such certificates as aforesaid at the sessions at which they may apply for payment; anything in the said Act requiring such certificates to be procured and lodged at any previous time to the contrary notwithstanding.

And after reciting that by the said recited Act two Justices of the Peace at petty sessions are empowered to order sums not exceeding a certain amount to be expended in repairing any bridge or road or pier or quay which may be suddenly damaged, and the repairs of which cannot be delayed until the next assizes without prejudice to the public, as in the said Act mentioned, but it is by the said Act required that the necessity of such repairs should be notified to such Justices by the county surveyor: And that it is expedient to dispense with such previous notification;—

xvii. That so much of the said Act as requires a previous notification of the necessity of such repairs as aforesaid on the part of the county surveyor to such Justices shall be and the same is hereby repealed: Provided that nothing herein contained shall be construed to dispense with the certificate of the county surveyor, to be given after the execution of the work, that the money appears to have been faithfully and honestly expended pursuant to the order made by such Justices.

xviii. That the said recited Act of the last session of Parliament, for consolidating and amending the laws relating to the presentment of public money by grand juries in Ireland, shall continue in full force and effect, save and except so far as the same is expressly repealed or altered by this Act; and that the said recited Act and this Act shall be construed together as one Act to all intents and purposes whatsoever.

xix. That this Act shall only extend to that part of the United Kingdom called Ireland.

xx. That this Act may be amended, altered, or repealed by any Act to be passed in the present session of Parliament.

CAP. III.

AN ACT for transferring to the Commissioners of the Admiralty all Contracts, Bonds, and other Securities entered into with the Postmaster General in relation to the Packet Service.

(18th March 1837.)

By this ACT,

After reciting that it has been deemed expedient that the superintendence and management of the business relating to the packets and other vessels employed in conveying the mails and letters by sea should be transferred from the department of the Postmaster General to that of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland; and that it is therefore become necessary, for the better security of the public, to provide for the transfer to the said Commissioners of all the interests, powers, and authorities at present existing in the Postmaster General, by virtue of any contracts, bonds and other securities taken in his department, as far as relates to the packet service and to the persons employed therein:—

It is Enacted,

That from and after the passing of this Act all the interests, powers, and authorities at present existing in the Postmaster General under any contract or contracts entered into with him or any of his predecessors in office, or with any person or persons on his or their behalf, by any body corporate or company, or person or persons, for the conveyance by sea of mails and

letters by steam boats or other ships or vessels, or under any bond or bonds given for the due execution of any such contracts, and also under any bond or other security entered into by any agent, officer, or other person hitherto employed under the said Postmaster, or entered into by any of the sureties of any such persons, either for the due execution of any such contract, or for the due execution of the duty of any such agent, officer, or other person employed as aforesaid, shall be transferred to and vested in the said Commissioners for executing the office of Lord High Admiral aforesaid for the time being, and shall be acted on, enforced, and carried into effect by such Commissioners in the same manner as if they had been named in the same contracts, bonds, and securities respectively instead of the Postmaster General; and all and every the orders and directions of the said Commissioners shall be as fully observed, obeyed, and performed by the contractors, and by the said agents and officers respectively, as if the same had proceeded from and been issued and given by the Postmaster General.

CAP. IV.

AN ACT to continue, until the First Day of *July* One thousand eight hundred and thirty-seven, the Powers of the Commissioners for inquiring concerning Charities in *England* and *Wales*.

(18th March 1837.)

CAP. V.

AN ACT for amending an Act of His late Majesty, for restricting the Punishment of Leasing-making, Sedition, and Blasphemy, in *Scotland*.

(18th March 1837.)

By this Act,

After reciting the passing of 6 Geo. 4. c. 47, whereby, upon a recital "that it is expedient that the punishment of the crimes of leasing-making, sedition, and blasphemy, as known in the law of Scotland, should be restricted, and that these crimes should be punished in the same manner as such crimes would be punished if committed in England," it was (among other things) enacted, "that if any person shall henceforth be convicted of any of the aforesaid crimes, such person shall be liable to be punished only by fine and imprisonment, or both, at the discretion of the Court before which such person shall be tried"; and it was by the said recited Act further enacted, "that if any person after being so convicted shall offend a second time, and be thereof lawfully convicted, such person may, on such second conviction, be adjudged, at the discretion of the Court, either to suffer the punishment of fine or imprisonment, or both, or to be banished from the United Kingdom and all other parts of His Majesty's dominions for such term of years as the Court in which such conviction shall take place shall order": And the passing of 11 Geo. 4. & 1 Will. 4. c. 73, intituled, 'An Act to repeal so much of an Act of the Sixtieth Year of the Reign of His late Majesty King George the Third, for the more effectual Prevention and Punishment of blasphemous and seditious Libels, as relates to the Sentence of Banishment for the Second Offence, and to provide some further Remedy against the Abuse of publishing Libels,' whereby so much and such parts of the said Act, 60 Geo. 3. as related to the sentence of banishment for the second offence was wholly repealed: And that it is expedient that the punishment of the crimes of leasing-making, sedition, and blasphemy under the law of Scotland should be in like manner restricted, and that these crimes should be punished in the same manner in Scotland as they would be punished if committed in England:—

It is Enacted,

That so much and such parts of the said recited Act, 6 Geo. 4. as regard the punishment by banishment of any person convicted a second time of any of the aforesaid crimes of leasing-making, sedition, and blasphemy, in Scotland, shall be and the same are hereby repealed.

CAP. VI.

AN ACT to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and thirty-seven.

(22nd March 1837.)

By this Act, the Commons granted, and it is Enacted,

That there shall be applied, for the service of the year 1837, Two Millions now remaining in the Exchequer.

CAP. VII.

AN ACT for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

(21st April 1837.)

This Act limits the number of the forces to 81,311 men, exclusive of the officers and men belonging to the regiments employed in the territorial possessions of the East India Company. An abstract of the other enactments which it contains will be found in the Law Journal Abridgment of Statutes for the year 1834.

CAP. VIII.

AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore.

(21st April 1837.)

An Abstract of the provisions of this Act previous and subsequent to section XVIII. will be found in the Law Journal Abridgment of Statutes for the year 1834. By that section it is enacted:—That when any sentence of death shall be commuted for transportation, or when any marine shall by court-martial be adjudged to be transported, as authorized by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged to cause him to be conveyed to the nearest ship for the reception of convicts, or if there shall be no such ship in the neighbourhood of the division, then to the gaol of the county in which such division shall be stationed, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his transportation to be made by some Justice of the King's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority to the superintendent or chief officer of the convict ship, or the sheriff or the keeper of the gaol of the county, as the case may be, to receive and detain him: Provided always, that in case of any such offender being so conveyed to the gaol of the county, the usual allowance of 6d. per diem shall be made to the keeper of the gaol for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division upon production to him by the said keeper of a declaration, to be made by him before one of His Majesty's Justices of the Peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol.

CAP. IX.

AN ACT to amend several Acts relating to the Royal Mint.

(21st April 1837.)

ABSTRACT OF THE ENACTMENTS.

1. After 5th of April, 1837, all fees, &c. payable to the Master of the Mint to cease.
2. So much of recited Acts as authorizes the charging of money upon the Consolidated Fund for salaries to officers repealed.
3. From and after the same date, the seigniorage to be paid into the Bank, to the credit of the Consolidated Fund.
4. Treasury may authorize the issue of money for the purchase of bullion for coinage.—Such issues not to be applied to any other purpose.—Account thereof to be annually laid before Parliament.

By this Act,

After reciting an Act, 39 Geo. 3. c. 94, intituled, 'An Act to ascertain the Salary of the Master and Worker of His Majesty's Mint:' And another Act, 1 & 2 Will. 4. c. 10, intituled, 'An Act to reduce the Salary of the Master and Worker of His Majesty's Mint,' and that the monies required for defraying the charge of the salary of the Master and Worker and the other expenses of His Majesty's Mint are now provided from various different sources, partly from fees, allowances, and emoluments authorized by the indenture between His Majesty and the said Master and Worker, partly from the Consolidated Fund, partly by annual grants of Parliament, and partly from the profits derived from the coinage of silver and copper: And that the said fees, allowances, and emoluments are payable out of public monies applicable to defray the expenses of the coinage; and it would tend to simplicity in the accounts of the Mint that no such fees, allowances, or emoluments should henceforth be payable: And that it is expedient that the whole charge of His Majesty's Mint should be brought annually under the consideration of Parliament:—

It is Enacted,

I. That the fees, allowances, and emoluments granted by the said indenture between His Majesty and the Master and Worker of the Mint shall from and after the 5th of April 1837 cease and be no longer payable.

II. That so much of the said recited Acts and of any other Act or Acts as authorizes the Lord High Treasurer or the Commissioners of His Majesty's Treasury to charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland any sum or sums of money for the salaries and allowances to the officers of the Mint in England shall, from and after the said 5th of April 1837, be and the same is hereby repealed, save and except such parts thereof as relate to the salary payable to the present Comptroller of His Majesty's Mint.

III. That it shall not be lawful for the Master and Worker of His Majesty's Mint at any time after the 5th of April 1837 to apply any part of the seigniorage which accrues upon the coinage of silver or copper in aid of any of the expenses of the said coinage, or of any of the expenditure of the Mint, anything in any Act or Acts to the contrary notwithstanding; and the whole of such seigniorage shall be paid from time to time to the account of His Majesty's Exchequer at the Bank of England, to be carried by the Comptroller General of the Exchequer to the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

And after reciting that circumstances may require that the Master and Worker of the Mint should be authorized to purchase bullion in order to provide supplies of coin for the public service: and that it is expedient to authorize the issue of money from the Consolidated Fund for that purpose;—

It is Enacted,

IV. That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any three or more of them, for the time being, to authorize and direct the issue, upon account, to the Master and Worker of His Majesty's Mint from time to time, out of the said Consolidated Fund, of such sum or sums of money as may be necessary to effect such purchases of bullion for coinage: Provided always, that such issues shall not be applied to any other purpose, and that the whole amount which shall be received by the Master and Worker of the Mint in payment for the coin which shall be produced from the bullion so purchased shall be paid to the account of His Majesty's Exchequer at the Bank of England, to be carried by the Comptroller of the Exchequer to the Consolidated Fund in repayment of the advances so made: Provided also, that an account of all such issues and repayments in each year shall be laid before both Houses of Parliament within ten days after the commencement of every session.

CAP. X.

AN ACT to alter, amend, and continue for a certain Period, an Act for repealing certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof.

(21st April 1837.)

By this Act,

After reciting the 3 & 4 Will. 4. c. 40, intituled, 'An Act to repeal certain Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*, and to make other Provisions in lieu thereof until the First Day of May One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament: And that the provisions of the said Act have been found beneficial: and that the said Act will expire at the end of the present session of Parliament, and it is desirable that the same should be continued and renewed as hereinafter provided:

It is Enacted,

I. That the said Act, and all and every the provisions thereof, shall be and the same are hereby continued and renewed to the 1st of May 1839, and the end of the then next session of Parliament.

II. That every person to whom any order for removing a poor person or persons, made in pursuance of the said recited Act or of this Act, shall be delivered for the purpose of being carried into execution, shall and may detain and hold in safe custody every poor person mentioned in any such order until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose in every county and place through which he shall pass in the due execution of such order have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for the county or place respectively through which he may have occasion to pass in carrying such order into full execution.

CAP. XI.

AN ACT to apply the Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-seven.

(5th May 1837.)

By this Act, the Commons granted, and it is Enacted,

- i. That there shall be applied, for the service of the year 1837, Eight Millions out of the Consolidated Fund.
- ii. That the Treasury may cause Eight Millions of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1.
- iii. That the clauses, provisos, powers, privileges, advantages, penalties, forfeitures, and disabilities contained in the 48 Geo. 3. c. 1, shall be applied and extended to the Exchequer bills to be made out in pursuance of this Act.
- iv. That the interest on Exchequer bills shall not exceed the rate of $3\frac{1}{4}$ d. per centum per diem upon or in respect of the whole of the monies respectively contained therein.
- v. That the Bank of England may advance Eight Millions on the credit of this Act, notwithstanding 5 & 6 W. and M. c. 20.
- vi. That the Treasury may cause the bills to be delivered to the Bank of England as security for advances.
- vii. That the Treasury may apply the money raised to the services of the year.
- viii. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.

CAP. XII.

AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-eight; and for the Relief of Clerks to Attornies and Solicitors in certain Cases.

(8th June 1837.)

The first eight sections, and the 11th and 12th of this Statute, are similar in language and enactments to the ten sections contained in 6 Will. 4. c. 7, for which see 14 Law Journ. Abridgment of Statutes, p. 20. The following are the provisions of ss. 9 and 10:—

ABSTRACT OF THE ENACTMENTS.

9. *The word "Months" in 7 Geo. 4. c. 44. to mean calendar months.*
10. *Indentures, &c. may be stamped before last day of Michaelmas term, 1837, if application was made therefor within six calendar months from the dates thereof.*

After reciting that by an Act, 7 Geo. 4. c. 44, to allow, until the 10th of October 1826, the enrolment of certain articles of clerkship, and for other purposes therein mentioned, it was enacted, that it should not be lawful for the Commissioners of Stamps, or any of their officers, to stamp, under any pretence whatever, after the expiration of six months from their date, any articles of clerkship to attornies or others, as therein specified: And that the using of the word "Months" in the said last-mentioned Act, in this respect, without the addition of the word "Calendar," occasioned mistakes and inconveniences;—

It is Enacted,

- ix. That from and after the passing of this Act the word "Months" used in the said last-mentioned Act, so far as the same relates to the stamping of articles of clerkship to attornies and others therein specified, shall be understood to mean calendar months.

And after reciting that several persons bound to serve as clerks or apprentices to attornies or solicitors have applied to have the indentures or contracts of such clerkship stamped after the expiration of six lunar and before the expiration of six calendar months from the date thereof;—

It is Enacted,

- x. That it shall and may be lawful for the Commissioners of Stamps and Taxes, or any of their proper officers, at any time before the last day of Michaelmas term 1837, to stamp any articles of clerkship, contract, indenture, or other instrument whereby any person hath become bound to serve as a clerk or apprentice, in order to his admission as an attorney or solicitor in any of the courts of law or equity, although the period of six calendar months from the date thereof hath now elapsed, upon payment of the proper duty payable in respect of the same, and of the further sum of 5*l.* by way of penalty, provided it shall be proved to the satisfaction of the said Commissioners that application was made to them or to their proper officer to have such articles, contract, indenture, or instrument stamped within six calendar months from the date thereof.

CAP. XIII.

AN ACT to amend the Acts for regulating the General Penitentiary at *Millbank*.

(8th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *His Majesty may direct prisoners to be removed to the General Penitentiary, there to remain under their sentences until further orders for carrying such sentences into effect.*
2. *So much of 56 Geo. 3. c. 63. as regulates the terms of confinement of convicts removed to the Penitentiary repealed, and other terms substituted.*
3. *Terms of imprisonment of convicts removed to the Penitentiary before the passing of this Act.—Superintending Committee may recommend any of such convicts as objects of the royal mercy.*
4. *Provisions of former Acts as to dividing of convicts into classes, and to their clothes, allowances, and rewards, repealed, (except, &c.)*
5. *As to convicts removed under two sentences of transportation.*
6. *Saving the King's prerogative.*
7. *Alteration of Act.*

By this Act,

After reciting that it is expedient to amend the Acts for regulating the General Penitentiary at Millbank, as hereinafter mentioned :—

It is Enacted,

1. That it shall be lawful for His Majesty, by an order in writing to be notified in writing by one of His Majesty's Principal Secretaries of State, to direct that any male or female offenders in any prison or other place of confinement within Great Britain, under sentence or order of any Court, or of any competent authority, for any offence committed by them, shall be removed from the prison or other place of confinement in which they are confined to the General Penitentiary at Millbank, there to remain under the respective sentences or orders relating to them, or until further order shall be given by the like authority for carrying such sentences or orders into effect according to law; all such offenders during their confinement in such Penitentiary to be subject to all powers, provisions, and regulations for the confinement, employment, and management of convicts in such Penitentiary: Provided always, that where any offender shall be removed to such Penitentiary under any order purporting to be made by virtue of the previous provision of this Act, the sentence or order of the Court or other competent authority relating to such offender shall still remain in full force, and shall not be affected or abridged by the subsequent provisions of this Act.

And after reciting that by 56 Geo. 3. c. 63. it is among other things enacted, that it shall and may be lawful for His Majesty, by an order in writing to be notified by the Secretary of State, to direct that any person who may be under sentence or order of transportation for any offence committed within that part of the United Kingdom called England and Wales, and who having been examined by an experienced surgeon or apothecary shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such person may be confined, shall be removed to the said Penitentiary, there to remain and continue for and during the term of five years in case such convict shall be under sentence or order of transportation for seven years only, and for and during the term of seven years in case such convict shall be under sentence or order of transportation for fourteen years, and for and during the term of ten years in case such convict shall be under sentence or order for life: And that it is expedient to repeal the hereinbefore recited part of the said Act, and also such part of the said Act as relates to reducing the term of confinement in the said Penitentiary in consequence of the previous confinement of the convict in some other prison :—

It is Enacted,

11. That the said parts of the said Act shall be and the same are hereby repealed; and that it shall be lawful for His Majesty, by an order in writing to be notified by the Secretary of State, to direct that any person who may be under sentence or order of transportation for any offence committed in that part of the United Kingdom called Great Britain, and who having been examined by an experienced surgeon or apothecary shall appear to be free from any putrid or infectious distemper, and fit to be removed from the gaol or prison in which such person may be confined, shall be removed to the said Penitentiary, there to remain and continue for and during the term of three years in case such convict shall be under sentence or order of transportation for seven years only, and for and during the term of four years in case such convict shall be under sentence or order for fourteen years, and for and during the term of five years in case such convict shall be under sentence or order for life; the said respective terms of three years, four years, and five years to be computed from the day of the conviction of the offender.

111. That every convict who shall have been removed before the passing of this Act to the said Penitentiary, there to remain and continue for and during the term of five years, seven years, or ten years, in lieu of any sentence or order of transportation for seven years, fourteen years, or for life, as the case may be, shall remain and continue in the said Penitentiary for and during the term of three years, in case such convict shall have been under sentence or order of transportation for seven years only, and for and during the term of four years in case such convict shall have been under sentence or order for fourteen years, and for and during the term of five years in case such convict shall have been under sentence or order for life; the respective terms of three years, four years, or five years to be computed from the day of the conviction of the offender: Provided always, that it shall be lawful for the Superintending Committee of the said Penitentiary to recommend as objects on

the royal mercy, on the ground of good conduct, any of such convicts who shall have been removed to the said Penitentiary before the passing of this Act, being at the time of such removal under sentence or order of transportation for life or for fourteen years.

iv. That so much of the several Acts passed for the management of the said Penitentiary as relates to recommendations by the Superintending Committee of convicts to His Majesty as objects of the royal mercy (save and except such convicts hereinbefore described as were removed to the said Penitentiary before the passing of this Act,) and to the division of convicts into classes, called the first and second classes, and to the burning or selling and disposing of the clothes of prisoners, and to the granting to them any part of the profits arising from their labour, and to the payment of money to prisoners for good conduct after their discharge, shall be and the same is hereby repealed.

v. Provided always, That where any convict shall have been removed or may hereafter be removed to the said Penitentiary under two sentences of transportation each for the term of seven years, or under two sentences of transportation each for the term of fourteen years, such two sentences for seven years shall for the purposes of this Act be deemed equivalent to one sentence of transportation for fourteen years, and such two sentences for fourteen years shall for the like purposes be deemed equivalent to one sentence of transportation for life.

vi. Provided always, That nothing in this Act contained shall in any manner affect His Majesty's royal prerogative of mercy.

vii. That this Act, or any part thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XIV.

AN ACT to explain and amend Two Acts relating to Trial by Jury in Scotland.

(8th June 1837.)

ABSTRACT OF THE ENACTMENT.

On bills of exceptions, the Court of Session or House of Lords not authorized to order a new trial unless they are of opinion that exceptions should be allowed.

By this Act,

After reciting that by 55 Geo. 3. c. 42. it is enacted, that it shall be competent to the counsel for any party at the trial of any issue or issues to except to the opinion and direction of the Judge or Judges before whom the same shall be tried, either as to the competency of witnesses, the admissibility of evidence, or other matter of law arising at the trial, and that on such exception being taken the same shall be put in writing by the counsel for the party objecting, and signed by the Judge or Judges, but notwithstanding the said exception the trial shall proceed, and the jury shall give a verdict therein for the pursuer or defender, and assess damages when necessary; and after the trial of every such issue or issues the Judge who presided shall forthwith present the said exception, with the order or interlocutor directing such issue or issues, and a copy of the verdict of the jury indorsed thereon, to the division by which the said issue or issues were directed, which division shall thereupon order the said exception to be heard in presence on or before the fourth sederunt day thereafter; and in case the said division shall allow the said exception, they shall direct another jury to be summoned for the trial of the said issue or issues; or if the exception shall be disallowed, the verdict shall be final and conclusive as hereinafter mentioned; provided always, that it shall be competent to the party against whom any interlocutor shall be pronounced on the matter of the exception to appeal from such interlocutor to the House of Lords, attaching a copy of the exception to the petition of appeal, certified by one of the clerks of session, so as such appeal shall be presented to the House of Lords within fourteen days after the interlocutor shall have been pronounced, if Parliament shall be then sitting, or if Parliament shall not be sitting, then within eight days after the commencement of the next session of Parliament, but not afterwards, and so as the proceedings on such appeal do conform in all respects to the rules and regulations established respecting appeals; and every such appeal shall be appointed to be heard on or before the fourth cause day after the time limited for laying the printed cases in such appeal upon the table of the House of Lords; and upon the hearing of such appeal the House of Lords shall give such judgment regarding the further proceedings, either by directing a new trial to be had, or otherwise, as the case may require: And that by 59 Geo. 3. c. 35. it is enacted, that if the motion for setting aside the verdict be founded on the misdirection of the Judge at the trial in matter of law, or on the undue admission or rejection of evidence, it shall be competent to the party against whom judgment is given by the Jury Court to tender a bill of exceptions to such judgment in the same manner as at a trial, and the proceedings on such bills of exceptions shall be conformable in all respects to the provisions of 55 Geo. 3. c. 42. hereinbefore recited regarding bills of exceptions: And that doubts have arisen whether, according to the enactments hereinbefore recited, the Court of Appeal is not authorized in cases coming before it upon bills of exceptions to order another or new trial, although such Court of Appeal should be of opinion that the exception is not to be allowed; and it is expedient that such doubts should be removed:—

It is Enacted,

That henceforth in all cases in which any bill of exceptions is brought before the Court of Session, or carried by appeal to the House of Lords, it shall not be competent to the Court of Session or to the House of Lords in pronouncing judgment on such bill of exceptions to make any order or to pronounce any judgment ordering a new trial, unless the said Court or House

of Lords shall be of opinion that the exception is to be allowed; and that in all cases of bills of exceptions in which it shall be the opinion of the said Court or House of Lords that the law directed at the trial, or the determination to receive or reject evidence and excepted to, is correct, the said Court or House of Lords shall make an order that the bill of exceptions shall be disallowed, and that the verdict found by the jury shall be carried into effect by a judgment pronounced thereon for the party in whose favour the said verdict was found; anything in the said recited Acts, or in any other Act of Parliament, to the contrary notwithstanding.

CAP. XV.

AN ACT to discharge His Majesty's Manor and Demesne Lands at *Newark* in the County of *Nottingham* from any Costs of rebuilding or repairing *Trent* and *Markham* Bridges, and to charge the same on the other Hereditary Revenues of the Crown.

(8th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Lands within the Manor of Newark discharged from the repair of Trent and Markham bridges.*
2. *The question as to the liability to repair such bridges may be determined in an action at law.*
3. *Each party to pay their own costs.*
4. *If it should be decided that the lands are liable to the repair, the Commissioners of Woods and Forests to pay the sums of money required for that purpose.*
5. *Action not to cease upon death or removal of parties thereto.*

By this Act,

After reciting that His Majesty, in right of his Crown, is seized of the manor and demesne lands of *Newark* in the county of *Nottingham*: And that it is alleged that the owner of the said manor and demesne lands is exclusively, or in conjunction with the owner or owners of other lands, or with other persons, bodies corporate, collegiate, or ecclesiastical, liable to repair or rebuild a certain bridge over the river *Trent* called "*Trent Bridge*," and a certain bridge over the river *Devon* called "*Markham Bridge*," both situate at or near *Newark*: And that certain parts of the said demesne lands and hereditaments have been lately sold by the Commissioners of his Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under the authority of the Commissioners of his Majesty's Treasury; and by one of the conditions under which the same demesne lands and hereditaments were sold it was stipulated that the hereditaments sold should be exonerated from such alleged liability to repair and maintain the said bridges: that it is expedient that the said manor, and all and singular the demesne lands and possessions now or late of His Majesty at *Newark* aforesaid, or elsewhere within the said manor, should be discharged from all costs and expenses whatsoever in anywise relating to the repairs and rebuilding of the said two bridges, or either of them:—

It is Enacted,

I. That the said manor of *Newark* and the demesne lands thereof, and all and singular other the lands and possessions now or late of the Crown situate at *Newark*, or elsewhere within the said manor, and the owner and owners, occupier and occupiers thereof, shall henceforth and for ever hereafter be freed and discharged from all liability to make or repair the said bridges or either of them, or in anywise relating thereto, and of and from all actions, suits, and proceedings whatsoever for or in respect of the same.

II. That the question whether the said manor, demesne lands, or other the possessions aforesaid of the Crown, or any part thereof, or the owner or owners, occupier or occupiers thereof, for the time being, are or are not exclusively, or in conjunction with any other lands, or with any body corporate, collegiate, or ecclesiastical, liable to the maintenance and repairs of the said bridges or either of them, may be determined in an action at law, at any assizes holden for the county of *Northampton*, in a feigned action or actions, by any person or persons whomsoever, to be for that purpose commenced in His Majesty's Court of Exchequer at Westminster against the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and the defendants in such action or actions shall forthwith name an attorney or attorneys, who shall file common bail, or appear and accept one or more issue or issues, whereby the matters in question may be properly tried and determined, such issues to be settled by the proper officer or officers of the said Court if the parties shall differ about the same; and if at the trial of any such issue or issues it shall appear that the said manor, demesne lands, and other possessions, or any part thereof, or the owner or owners, occupier or occupiers thereof for the time being, shall not be exclusively or in conjunction as aforesaid liable to the repairs or maintenance of the said bridges or either of them, the jury by whom such issue or issues shall be tried shall find for the defendants; but if it shall appear to such jury that the said manor, demesne lands, or other possessions, or any of them, or the owner or owners, occupier or occupiers thereof for the time being, are exclusively or in conjunction as aforesaid liable to the maintenance and repairs of the said bridges or either of them, then such jury shall find for the plaintiff; and such verdict shall be binding on all parties whomsoever, unless the said Court of Exchequer shall set aside such verdict, and order a new trial to be had thereupon, which it shall be lawful for the Court to do as is usual in like cases.

III. That not any of the parties to such suit or to any proceedings relative thereto shall be liable to the payment of the costs of the other party or parties thereto, nor shall the Crown or the said Commissioners be in any event entitled to claim or receive costs from the other party or parties, notwithstanding the verdict or verdicts, judgment or judgments, may pass or be given against such other party or parties in such suit or proceedings.

iv. That if His Majesty's Attorney and Solicitor General for the time being shall, upon a case or cases to be submitted to them by or on behalf of the Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, be of opinion that the said manor, demesne lands, or other the possessions aforesaid of the Crown, or the owner or owners, occupier or occupiers thereof for the time being, are exclusively or in conjunction as aforesaid liable to the maintenance and repairs of the said bridges or either of them, or on any such verdict as aforesaid which shall be found for the plaintiff, and not set aside as aforesaid, the said Commissioners for the time being of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall, from the annual income of the said possessions and land revenues of the Crown for the time being, and any monies which shall come to their hands as such Commissioners in respect thereof, pay and discharge such sum or sums of money, or such fair and just proportion thereof in conjunction as aforesaid, as shall from time to time be necessary for the repairs and maintenance of the said two bridges or either of them: Provided nevertheless, that on any such verdict which shall be found for the defendants, and not set aside as aforesaid, the owner or owners, occupier or occupiers of the said manor and demesne lands shall for ever thereafter be liable to contribute to the repairs and maintenance of the said bridges or either of them, in such and the same proportions as they would or might have been liable under the existing laws with respect to county rates; anything hereinbefore contained to the contrary thereof notwithstanding.

v. Provided always, That if either of the parties in any action or actions to be brought in pursuance of this Act shall die, or if any of the said Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall resign or be removed from being a Commissioner or Commissioners, pending such action or actions, the same shall not abate by reason thereof, but shall be proceeded in as if no such event had happened.

CAP. XVI.

AN ACT for raising the Sum of Eleven Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-seven.

(8th June 1837.)

By this Act, the Commons granted, and it is Enacted,

- i. That the Treasury may raise Eleven Millions by Exchequer bills in like manner as is prescribed by 48 Geo. 3. c. 1.
- ii. The clauses, &c. in 48 Geo. 3. c. 1. extended to this Act.
- iii. The Treasury to apply the money raised to such services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present session of Parliament.
- iv. Bills to be payable out of supplies of the next session.
- v. Interest on Exchequer bills three halfpence per centum per diem.
- vi. Bills to be current at the Exchequer after April 5, 1838.
- vii. Bank of England may advance Eleven Millions on the credit of this Act, notwithstanding 5 & 6 W. and M. c. 20.

CAP. XVII.

AN ACT for carrying to the Consolidated Fund certain Monies paid into the Exchequer, and usually applied as a Part of the annual Aids and Supplies; and for cancelling Stock transferred to the Commissioners for the Reduction of the National Debt on account of the Redemption of Land Tax.

(10th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Sums paid into the Exchequer pursuant to the several Acts herein mentioned shall be carried to and made part of the Consolidated Fund.
2. Treasury empowered to pay off Exchequer bills issued under the recited Acts.
3. Certain capital stock standing in the books of the Bank on 11th March 1837, to be cancelled.
4. Certain other capital stock, when the dividends cease, shall be cancelled.
5. Appropriation of surplus monies arising from the redemption of the land tax.

By this Act,

After reciting 6 Will. 4. c. 1, intituled, 'An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-six—seven:' And that it is expedient that the sums arising from the repayment into the Exchequer of loans

of Exchequer bills for public works, and relief of losses in the West Indies, and from the payment of 60,000*l.* by the East India Company, and of balances paid by the Bank of England, which were by the said recited Act issued and applied for or towards making good the supply granted to His Majesty for the service of the year 1836-7, should hereafter be carried to and make part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland:—

The Commons granted, and it is Enacted,

i. That all sums of money which may have been or shall be paid into the Exchequer after the 5th of April 1837, in respect of Exchequer bills issued pursuant to several Acts, 57 Geo. 3, 3 Geo. 4, and 1 & 2, and 4 & 5 Will. 4, for authorizing the issue of Exchequer bills for carrying on public works and fisheries in the United Kingdom, and pursuant to an Act, 1 & 2 Will. 4, for the relief of persons who sustained losses in the West Indies; and also the additional sum of 60,000*l.* to be annually paid into the Exchequer by the United Company of Merchants of England trading to the East Indies towards the expense of retiring pay, pensions, and allowances to His Majesty's forces serving in India, in pursuance of 4 Geo. 4. c. 71, and also such sums as may have been or shall be paid into the Exchequer by the Governor and Company of the Bank of England, after the 5th of April 1837, pursuant to 56 Geo. 3. c. 97, shall from and after the passing of this Act, and thereafter as such payments shall be made, be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; provided that if at any time the balance in the Bank of England under the said recited Act, 56 Geo. 3, shall be reduced to a less sum than 100,000*l.*, then so much of the money advanced by the said Governor and Company shall be repaid to them as shall be equal to the sum by which the said balance shall be less than the sum of 100,000*l.*; and the Lord High Treasurer, or the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, now or for the time being, or any three or more of them, or the Comptroller General of His Majesty's Exchequer, is or are hereby authorized and empowered to issue and apply the same out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland accordingly.

ii. That it shall be lawful for the Commissioners of His Majesty's Treasury, or any three or more of them for the time being, to order and direct the payment out of the said Consolidated Fund of any Exchequer bills now outstanding, or which may remain to be issued under the said recited Acts, when the same shall be paid off, in money, as well as of any charges and expenses heretofore charged and deducted or paid under the provisions of any of the said Acts authorizing the issue of Exchequer bills as loans for carrying on public works or fisheries, and the relief of losses in the West Indies, out of any repayment of any such loan, or out of any money in the Exchequer arising therefrom, anything in any of the said Acts to the contrary notwithstanding.

And after reciting that under the provisions of 38 Geo. 3. c. 60, of 39 Geo. 3. c. 6, and 53 Geo. 3. c. 123, (Acts relating to the redemption of the land tax), the several capitals of stock hereinafter mentioned have been transferred into the names of the Commissioners for the Reduction of the National Debt in the books of the Governor and Company of the Bank of England on account of the redemption of land tax, and the dividends thereon have from time to time ceased to be issued from the receipt of his Majesty's Exchequer, according to the directions of the said Acts: And that no provision has been made by the said Acts for the cancelling of the said capital stock, notwithstanding the cessation of the issue of the dividends thereon, and it is therefore expedient to provide for the same;—

It is Enacted,

iii. That from and after the passing of this Act the following capital stock, which on the 11th of March 1837, was standing in the names of the said Commissioners in the books of the said Bank on account of the redemption of the land tax, shall be and the same is hereby directed to be cancelled; namely, the sum of 14,318,856*l.* 7*s.* 9*d.* consolidated 3*l.* per centum annuities, and the sum of 11,273,106*l.* 11*s.* 7*d.* reduced 3*l.* per centum annuities, standing in the names of the Commissioners for the Reduction of the National Debt on account of the redemption of the land tax, pursuant to the said recited Act, 39 Geo. 3. c. 60, aforesaid; the sum of 346,749*l.* 2*s.* 3*d.* consolidated 3*l.* per centum annuities, and the sum of 329,355*l.* 13*s.* reduced 3*l.* per centum annuities, standing in the names of the said Commissioners on account of the redemption of the land tax, pursuant to the said recited Act, 53 Geo. 3. c. 123, aforesaid, and Schedules (A. 2.) and (B. 2.) of the said Act; the sum of 241,079*l.* 19*s.* 5*d.* consolidated 3*l.* per centum annuities, and the sum of 190,709*l.* 8*s.* 4*d.* reduced 3*l.* per centum annuities, part of the sums standing in the names of the said Commissioners on account of the redemption of the land tax, pursuant to the said recited Act, 53 Geo. 3. c. 123, aforesaid, and Schedules (C.), (D. 1.), and (D. 2.) of the said Act; and that from and after the 5th of April 1838, the sum of 221*l.* 6*s.* 3*d.* consolidated 3*l.* per centum annuities, and the sum of 248*l.* 9*s.* 6*d.* reduced 3*l.* per centum annuities, the residue of the sums standing in the names of the said Commissioners on account of the redemption of the land tax, pursuant to the said recited Act, 53 Geo. 3. c. 123, aforesaid, and the Schedules (C.), (D. 1.), and (D. 2.), to the said Act, shall be in like manner cancelled; and the said Governor and Company are hereby directed to cause the said several capitals of stock to be cancelled in their books accordingly.

iv. That whenever any capital stock shall in future be transferred into the names of the Commissioners for the Reduction of the National Debt on account of the redemption of the land tax, and the dividends whereof shall have ceased to be issued from the receipt of His Majesty's Exchequer, in pursuance of any existing Acts, or of any future Act or Acts which may be passed for the redemption of the land tax, such capital stock shall in like manner be cancelled: Provided always, that the Accountant General of the said Governor and Company shall from time to time certify to the said Commissioners of His Majesty's Treasury, and to the said Commissioners for the Reduction of the National Debt, the amount and description of the capital stock so cancelled.

And after reciting that the monies arising from the sale and redemption of the land tax where the consideration for the same is paid in money, under the provisions of the said recited Acts, have from time to time been paid by the Receivers General or other receivers thereof into the Bank of England, and such monies, or so much thereof as was necessary for the purpose, have been applied in the purchase of capital stock for the completion of the contracts of sale and redemption of land tax, or in

replacing sums of money from time to time advanced for that purpose in pursuance of the provisions of the said recited Acts: And that the monies arising as aforesaid have proved more than sufficient for the purchase of such capital stock, and for the replacing of the monies advanced as aforesaid, and the surplus thereof is now in the said Bank of England unappropriated, and standing to the credit of the Commissioners for the Reduction of the National Debt, or of the said last-mentioned Commissioners, and sundry Receivers General; and it is expedient to appropriate such surplus, and any other surplus that may from time to time hereafter arise, in like manner in the purchase of capital stock, to be transferred into the names of the Commissioners for the Reduction of the National Debt, and to be cancelled in the manner directed by this Act: And that under the provisions of the said recited Acts for the sale and redemption of land tax the parties entering into contracts are entitled in certain cases to a re-transfer of the stock or a part thereof, or a return of the money or a part thereof, so transferred or paid by them, together with certain dividends payable thereon;—

It is Enacted,

v. That the Commissioners for the Reduction of the National Debt shall from time to time invest in the purchase of capital stock, of consolidated 3l. per centum annuities or reduced 3l. per centum annuities, so much of the monies now or at anytime hereafter standing in the books of the Governor and Company of the Bank of England arising from the sale and redemption of the land tax as the Commissioners of Stamps and Taxes shall from time to time certify to them to be proper so to be invested; and all such capital stock so to be purchased shall be transferred into the names of the said Commissioners for the Reduction of the National Debt, into a new account to be created for that purpose in the books of the said Governor and Company, to be called "The Accumulation Account on account of the Redemption of Land Tax," and shall be cancelled as hereinbefore directed; and the remainder of such surplus shall remain liable to the payment of so much money as the Commissioners of Stamps and Taxes shall from time to time certify to the Commissioners for the Reduction of the National Debt any party to be entitled to receive as an equivalent for any stock, money, and dividends which under the provisions of any or either of the said last recited Acts such party is or may be entitled to; and the said Commissioners of Stamps and Taxes are hereby authorized and empowered to direct the said Commissioners for the Reduction of the National Debt to pay such money accordingly.

On Tuesday morning, the 20th of June instant, at twelve minutes past two o'clock, our late Most Gracious Sovereign KING WILLIAM THE FOURTH, expired at his Castle of Windsor, in the seventy-second year of his age, and the seventh year of his reign. Upon His late Majesty's decease, the Imperial Crown of the United Kingdom of Great Britain and Ireland solely and rightfully came to the High and Mighty Princess ALEXANDRINA VICTORIA, saving the rights of any issue of His late Majesty KING WILLIAM THE FOURTH, which may be borne of His late Majesty's consort; and the Kingdom of Hanover descended by succession on His late Majesty's next brother His Royal Highness ERNEST AUGUSTUS DUKE of CUMBERLAND. On Thursday the 22nd of June instant, the ceremony of publicly proclaiming Her Majesty QUEEN VICTORIA took place with the usual formalities.

ABRIDGMENT
OF THE
PUBLIC GENERAL STATUTES

OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND;

IN CONTINUATION OF THE THIRD SESSION OF THE TWELFTH PARLIAMENT OF SUCH
UNITED KINGDOM:

1 VICTORIA—1837.

CAP. XVIII.

AN ACT for continuing until the First Day of *June* One thousand eight hundred and thirty-nine, and to the End of the then Session of Parliament, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire with the present or with the next Session of Parliament.

(30th June 1837.)

CAP. XIX.

AN ACT to empower the Recorder or other Person presiding in Quarter Sessions in Corporate Cities and Towns, and Justices of the Peace for Counties, Ridings, or Divisions, to divide their respective Courts in certain Cases.

(30th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Power to the Recorder or other person presiding to form a second court, and appoint a barrister to preside therein.—Clerk of the peace in such cases to appoint an assistant.—Recorder may direct such court to be adjourned.—Proceedings preliminary to the exercise of the powers hereby given.*
2. *Remuneration to officers of said second court.*
3. *Appointments not subject to duty.*
4. *Two or more Justices at adjourned Quarter Sessions may sit apart for despatch of business.*
5. *Act may be altered this session.*

By this ACT,

After reciting that in large corporate cities and towns the Quarter Sessions of the Peace may sometimes last beyond three days, and where such is the case considerable inconvenience and increased expense will result from the detention of jurors and witnesses and the unavoidable attendance of a large portion of the municipal police: And that for the remedying thereof it is expedient that a similar power of forming a second court to that which is vested in the Justices at the General Quarter Sessions for counties, by virtue of an Act, 59 Geo. 3. c. 28, intituled, 'An Act to empower Magistrates to divide the Court of Quarter Sessions,' should be given to the Recorder or other person presiding in the Court of Quarter Sessions of corporate cities or towns:—

It is Enacted,

I. That whenever it shall appear to such Recorder or other person presiding as aforesaid, that the said Quarter Sessions are likely to last more than three days, including the day of assembling, it shall and may be lawful for such Recorder or other person so presiding, at his discretion, but subject to the provisions hereinafter contained, to order a second court to be formed, and to appoint by writing under his hand and seal a barrister at law, of not less than five years standing, to preside, and try such felonies and misdemeanors as shall be referred to him therein, whilst the said Recorder or other person is sitting in such Quarter Sessions; and for the effectual execution of the powers of this Act, such Recorder or other person so presiding shall be empowered in such case to call upon the clerk of the peace, and such clerk of the peace is in such case hereby authorized and required to appoint an assistant, and such Recorder or other person shall himself appoint an additional crier for such second court; and such barrister shall be styled "Assistant Barrister," and shall exercise, for the time being, whilst the said Recorder or other person is so sitting as aforesaid, the same powers as are exercised by the said Recorder or other person presiding as aforesaid, and subject to the same rules and regulations; and the proceedings so had by and before such Assistant Barrister shall be as good and effectual in the case to all intents and purposes as if the same were had before the said Recorder or other person so presiding as aforesaid, and shall be enrolled and recorded accordingly: Provided always, that if at any time during the sitting of such second court the Recorder or other person shall be of opinion that it is no longer required, he may direct the Assistant Barrister, at a proper opportunity, to adjourn the same: Provided also, that no such Recorder or other person so presiding as aforesaid shall at any time exercise the powers and discretion given by this Act, unless it shall have been theretofore and before each such Quarter Sessions certified to him under the hand or hands of the mayor or of two of the aldermen of such corporate city or town, that the council of such corporate city or town have resolved that it will be expedient and for the benefit of the inhabitants thereof that the same should be exercised, nor unless the name of the barrister proposed to be appointed, in case such Recorder or other person shall in the exercise of such discretion deem such appointment necessary, shall have at some previous time been transmitted to and approved of by one of His Majesty's principal Secretaries of State as a fit and proper person to be from time to time so appointed.

II. That such Assistant Barrister shall be entitled to a remuneration of 10*l.* 10*s.* per diem for each day that he shall so preside as aforesaid; and such assistant clerk of the peace shall be entitled to a remuneration of 2*l.* 2*s.* per diem; and such additional crier shall be entitled to a remuneration of 10*s.* 6*d.* per diem for such time as they shall execute their respective offices in such second court; and such remuneration shall be paid by the treasurer of the borough out of the borough fund; and the Recorder or other person presiding shall grant a certificate to such Assistant Barrister, such assistant clerk of the peace, and such additional crier respectively, stating the number of days that each shall have executed his several office, and the amount that he is entitled to claim; and such certificate shall be a sufficient authority to the treasurer of the borough to pay the same, and shall be retained by him as a voucher for such payment: Provided always, that such Assistant Barrister, assistant clerk of the peace, or additional crier, shall not in any case be entitled to claim remuneration for more than two days.

III. That the appointments and certificates authorized and directed by this Act shall not be subject to any stamp duty or other tax whatsoever.

And after reciting that doubts have arisen whether it is lawful for the Justices at any adjourned Quarter Sessions of the Peace held for any county, riding, or division to carry into effect the provisions of the Act passed in the 59 Geo. 3. c. 28, as aforesaid:—

It is Enacted,

IV. That from and after the passing of this Act it shall be lawful for the Justices assembled at any adjourned Quarter Sessions of the Peace for any county, riding, or division, on the first day that they shall assemble, should the state of the business be such at such adjourned Quarter Sessions as is likely to occupy more than three days, including the day of their being so assembled, to appoint two or more Justices to sit apart from themselves in some place in or near the court, there to hear and determine such business as shall be referred to them whilst others of the Justices are at the same time proceeding in the despatch of the other business of the same court; and the proceedings so had by and before such two or more Justices so sitting apart shall be as good and effectual in the law to all intents and purposes as if the same were had before the Court assembled and sitting as usual in its ordinary place of sitting, and shall be enrolled and recorded accordingly.

v. That this Act may be amended, altered, or repealed by any other Act to be passed in this present session.

CAP. XX.

AN ACT for transferring and vesting the Royal Military Canal, Roads, Towing Paths, and the Ramparts and other Works belonging thereto, and all Estates and Property taken and occupied for the same, in the Counties of *Kent* and *Sussex*, and also the rates and Tolls arising therefrom, in the principal Officers of His Majesty's Ordnance.

(30th June 1837.)

CAP. XXI.—IRELAND.

AN ACT to amend the Acts for the Extension and Promotion of Public Works in *Ireland*.

(30th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *The Commissioners of Public Works may make additional grants to the extent of 50,000*l*.*
2. *Provisions of former Acts shall apply to grants under this Act.*
3. *Applications for the execution of public works with money, partly by way of loan and partly by way of grant, may be made by presentment sessions.*
4. *Lord Lieutenant may refer such applications to the Board of Public Works for their report, and such report may be laid before the Lords of the Treasury, who shall have authority to direct the execution of the works so applied for.*
5. *The Board of Works shall proceed with such works, if sanctioned by the Treasury.*
6. *A moiety of the money required for the execution of the work shall be issued out of the Consolidated Fund.*
7. *The other moiety shall be supplied out of the loan funds by way of Exchequer bills.*
8. *A moiety of the money so advanced shall be raised by grand jury presentment off the barony in which the work may have been executed, or off the county at large, as the grand jury shall determine.—If grand jury shall not present, the money shall be raised, without any presentment, off the county at large.*
9. *Treasury may cancel certain Exchequer bills now in existence and applicable to the purposes of the said Acts, and cause others to be made out in lieu thereof.*
10. *Application of monies arising under 1 Will. 4. c. 54.*
11. *This Act may be altered this session.*

By this Act,

After reciting that by 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' the provisions whereof were amended and extended by an Act passed in the last session of Parliament, the Commissioners acting under and in execution thereof were authorized to make advances by way of loan, to a certain amount in the said Acts limited, in aid of the execution of public works in Ireland, and were also authorized to make advances for the like purpose by way of grant in aid of the construction of certain works to an amount not exceeding in the whole the sum of 50,000*l*: And that it is expedient, with a view to the further promotion of public works in Ireland, and the employment of the labouring population, that the said Commissioners should be enabled to make advances to an additional amount by way of grant, and that provision should be made for making advances for the execution of public works under certain circumstances, partly by way of loan and partly by way of grant; that is to say, by loan to the extent of one moiety of such advances, and by grant to the extent of the other moiety thereof:—

It is Enacted,

I. That it shall and may be lawful for the said Commissioners, under the like conditions and regulations, and for the purposes of the said Acts and this Act, to make additional advances by way of grant to an amount not exceeding in the whole the sum of 50,000*l*, and for the Commissioners of His Majesty's Treasury, or any three or more of them, to cause to be issued from time to time as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland arising in Ireland, in addition to the said sum of 50,000*l*, to which the issues for the purposes of the grants to be made under the said Acts were thereby limited, any further sum or sums of money not exceeding in the whole the said sum of 50,000*l*, to be applied to the purposes of the said Acts and this Act accordingly.

II. That all and every the provisos, powers, privileges, advantages, forfeitures, and disabilities contained or expressed in the said recited Acts, in respect of the grants authorized to be made thereunder, shall be applied and extend to the grants to be made under authority of this Act as fully and effectually to all intents and purposes as if the same were herein repeated and enacted.

III. That if any three or more Justices of the Peace, not being stipendiary Magistrates, in and for any county, county of a city, or county of a town in Ireland, shall think it expedient to make application for the construction of any public work, on the terms and under the regulations hereinafter contained for the repayment of a moiety of the expense of executing such work, it shall and may be lawful for them, by notice under their hands, to be posted on the places appointed for posting notices of applications to presentment sessions in the barony or half barony or place in which such work is proposed to be executed, to convene a special meeting of the Justices and cess payers associated with such Justices at the last special or presentment sessions held in such barony or half barony or place for the purposes of an Act, 6 & 7 Will. 4. c. 116, intituled, 'An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland;' and such meeting shall be held at the place appointed for the holding of such special or presentment sessions at such time as shall be specified in such notice, not being sooner than seven days from the time of posting such notice; and the senior Justice present at such meeting shall preside thereat, and shall have in addition to his vote a casting voice in case of an equality of voices; and if a majority of such Justices and cess payers assembled at such special sessions shall so think fit, the chairman shall apply by memorial to the Lord Lieutenant or other Chief Governor or Governors of Ireland, on behalf of the Justices and cess payers assembled at such sessions, praying that the work described in such memorial may be executed, and that a sum not exceeding the amount in such memorial mentioned may be advanced for that purpose; a moiety thereof to be repaid by grand jury presentment, as hereinafter mentioned.

iv. That upon any such application by memorial as aforesaid it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to authorize and direct the said Commissioners acting under and in execution of the said Acts to inquire into the nature of the said proposed work, and the utility thereof, and the benefit which may arise therefrom in affording present employment for the labouring population, and the permanent demand for labour likely to grow thereout, and the sum necessary for the execution thereof: and it shall be lawful for the said Commissioners, if they shall be so directed or think necessary, to appoint and employ the county surveyor, or any other competent surveyor or surveyors, to make a survey and estimate of the said proposed work, and to prepare such map, plan, section, or specification thereof as may be necessary, and to report thereon to the said Lord Lieutenant or other Chief Governor or Governors, who shall take the same into his or their consideration, and, if he or they shall so think fit, transmit the same to the Commissioners of His Majesty's Treasury, for their sanction and approval; and if the said Commissioners of the Treasury shall think fit to authorize the work specified in the said application, or any modification thereof which they may think proper, to be undertaken, they shall, by warrant under their hands, or under the hands of any three or more of them, direct the said Commissioners acting under and in execution of the said Acts to execute such work at and for an amount not exceeding a sum to be specified in such warrant, not exceeding the sum mentioned in the said application for the execution of such work, and shall also in and by such warrant specify when and how the moiety of the money to be expended in the execution of such work shall be repaid, and if by instalments the periods and amount thereof, and the rate of interest (if any) to be paid on the amount from time to time remaining due: Provided always, that it shall and may be lawful for the said Commissioners of the Treasury, or any three or more of them, by any like warrant or warrants from time to time to make void such directions, and to give other directions as they may think fit in respect of the repayment of the said moiety, or the rate of interest chargeable thereon, or any part thereof at any time remaining unpaid.

v. That the said Commissioners acting under and in execution of the said Acts shall upon the receipt of such warrant forthwith cause the construction of the work mentioned therein to be proceeded with, and shall for such purpose have and use all such powers and authorities as they are by the said Acts invested with for the construction of any road, bridge, or other work for the construction whereof a grant shall have been sanctioned by the said Commissioners of the Treasury.

vi. That one moiety of the monies required for the execution of works undertaken upon such applications as hereinbefore mentioned shall be advanced out of the produce of the said Consolidated Fund arising in Ireland; and the said Commissioners of the Treasury shall cause the same to be issued thereout accordingly from time to time as they shall think fit, upon the application of the said Commissioners acting under and in execution of the said Acts; and the monies so to be from time to time issued for the purpose last aforesaid shall be accounted to be part of the money by the said Acts and this Act authorized to be issued by way of grant.

vii. That the other moiety of the monies required for the execution of the said works shall be supplied by the issue of Exchequer bills in like manner as in the case of advances by way of loan under the said recited Acts: Provided always, that the amount of the Exchequer bills so issued shall be deemed and accounted to be a part of the sum to which the issue of Exchequer bills for the purposes of the said Acts is thereby limited.

viii. That a moiety of the monies so from time to time advanced for the execution of public works in any county, pursuant to the application of the Justices and cess payers assembled at special sessions as aforesaid, shall be repaid by grand jury presentment at such time and in such manner, and with such interest, as the said Commissioners of the Treasury shall appoint and direct; and the said Commissioners acting under and in execution of the said Acts shall from time to time, as they may be directed by the said Commissioners of the Treasury, certify to the secretary of the grand jury of each such county the money so to be repaid; and each such secretary shall lay such certificate before the grand jury of such county at the next assizes after he shall receive the same; and it shall be lawful for such grand jury and they are hereby required to present the sum mentioned in every such certificate to be raised either off the county at large or off the barony or half barony or other division in which the work to which such certificate may relate shall have been executed, as they may think fit; and the treasurer of such county shall pay the sum so presented, when and as by him received, to such bank or person as the said Commissioners of the Treasury shall direct, to be by them carried to the same account as other monies received in payment of loans under the said Acts: Provided always, that if the grand jury of any county shall fail to present the sum mentioned in any such certificate, the treasurer of such county shall and he is hereby required to insert such sum in his warrant for raising the monies presented at the same assizes, as if such sum had been presented by such grand jury to be raised off the county at large, and the same shall be raised and levied off such county accordingly, as if the same had been so presented; and the said treasurer shall pay over the amount, when by him received, as hereinbefore provided in the case of such money being presented.

And after reciting that it has been found that certain Exchequer bills which by an Act of the last session of Parliament were made applicable to the purposes of the said recited Acts, and now in the custody of the Teller of His Majesty's Exchequer in Ireland, are of an inconvenient date and amount;—

It is Enacted,

ix. That it shall and may be lawful for the said Commissioners of His Majesty's Treasury to cause any Exchequer bills heretofore made out and applicable to the purposes of the said recited Acts to be cancelled, and in lieu of the Exchequer bills so cancelled to cause other Exchequer bills to be made out for such sum or sums of money not exceeding in the whole the amount of the Exchequer bills so cancelled as the said Commissioners of the Treasury shall think fit; and such Exchequer bills shall be made out according to the provisions contained in the said first-recited Act in respect of the Exchequer bills thereby authorized to be made out; and all Exchequer bills from time to time made out under the authority of the said Acts and of this Act shall be delivered to such officer as shall be nominated and appointed by the said Commissioners of the Treasury to receive and transmit the said bills to Dublin, to be there applied for the purposes of the said Acts.

And after reciting an Act, 1 Will. 4. c. 54, intitled, 'An Act to revive, continue, and amend several Acts relating to the Fisheries;' and that the powers heretofore vested in the Commissioners of the Irish Fisheries are now vested in the Commis-

powers for executing the said first-recited Act for the extension and promotion of public works in Ireland, and that it is expedient that any money which may have been received by the Commissioners of the Irish Fisheries or by the Commissioners of Public Works in Ireland by virtue of the said recited Act should be applied to any of the purposes of the said several Acts;—

It is Enacted,

x. That any monies now in the hands of the Commissioners of Public Works in Ireland which may have arisen under or by virtue of the said last-recited Act relating to the fisheries shall be applied in defraying the expenses of executing the said Act, and otherwise in carrying the same and the several purposes of the said several Acts and of the Acts therein recited into execution, in such manner as the said Commissioners of the Treasury may from time to time direct.

xi. That this Act may be altered or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXII.

AN ACT to explain and amend Two Acts passed in the last Session of Parliament, for Marriages, and for registering Births, Deaths, and Marriages, in *England*.

(30th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Meaning of the words notices to the Registrar and Registrar's certificate.*
2. *Certificate of baptismal name to be made by Registrar or Superintendent Registrar, as the case may be.*
3. *Superintendent Registrars unduly issuing licences, or solemnizing marriages, guilty of felony.*
4. *Whereunto committals shall be.*
5. *Registrar General's certificate of frivolous caveat to be evidence.*
6. *Commencement of marine register book.*
7. *Privilege of franking extended to the United Kingdom.*
8. *Place of birth or death may be inserted in the register.*
9. *Provision for including extra-parochial places in Registrar districts.*
10. *Registrar General may unite districts.*
11. *Registrar General may divide unions or districts.*
12. *As to locality of Superintendent Registrar's office.*
13. *If guardians neglect to form Registrar's districts, Poor Law Commissioners shall form them and appoint Registrars thereto.*
14. *If guardians neglect to appoint Registrars or Superintendent Registrars the Registrar General to appoint them.*
15. *Registrar General may appoint an Assistant to act for him in certain cases.*
16. *Superintendent Registrar may appoint a deputy to act for him in certain cases.*
17. *If more than one clerk to a board of guardians, which of them to be Superintendent Registrar.*
18. *Exemption of Registrars from parochial and corporate offices.*
19. *Guardians may borrow money for providing register offices.*
20. *If guardians neglect to provide a register office, Commissioners of Treasury may direct it to be provided.*
21. *Substitute for register office until the same is provided.*
22. *Registrar General to limit the number of Registrars of marriage.*
23. *Provision for marriages in the Welsh tongue.*
24. *Notices of marriage to be suspended in the Superintendent Registrar's office, instead of being read at the meetings of guardians, and particulars of the same sent to the Registrar.*
25. *Cost of parochial marriage register books and forms, how to be defrayed.*
26. *Certified copies of register books to be made up quarterly.*
27. *Clergyman to be paid for making register in duplicate.*
28. *Penalty for neglecting to send certified copies of register books.*
29. *Certificates, &c. required to be given to any Superintendent Registrar may be given to any Registrar, who is to forward the same, &c.*
30. *Authority for administering oaths.*
31. *Limitation as to summary convictions.*
32. *Stamp duty not payable on licensing chapels for marriages.*
33. *Banns may be published in chapels where marriages may be solemnized.*
34. *Marriages may be in licensed chapels, though only one of the parties is resident in the district.—Publication of banns where the parties reside in different districts.*
35. *Any building used exclusively as a Roman Catholic Chapel for one year may be registered for celebration of marriages.*
36. *Notice to Superintendent Registrar, and issue of certificate by him, to be used and stand instead of banns.*

By this Act,

After reciting that by an Act, 6 & 7 Will. 4. c. 85, intituled, 'An Act for Marriages in England,' and by another Act, 6 & 7 Will. 4. c. 86, intituled, 'An Act for registering Births, Deaths, and Marriages in England,' sundry provisions were made for

the duties of Superintendent Registrars and also of Registrars and Deputy Registrars of births, deaths, and marriages, which several provisions require to be further explained and amended; and that the recited Acts require amendment in other respects;

It is Enacted,

I. That where in the said Act for marriages in England provision is made for giving notice of marriage to any Registrar, and where in the last-recited Act, or any Schedule thereunto annexed, mention is made of any such notice, or of the Registrar's certificate of any such notice, the same shall be construed respectively to mean the notice to be given to the Superintendent Registrar, and the certificate thereof to be issued by the Superintendent Registrar, according to the provisions for that purpose contained in the last-recited Act.

And after reciting that by the said Act for registering births, deaths, and marriages it is provided, that, in the case of any child to which any name shall be given in baptism after its birth shall have been registered under the provisions of the said Act, a certificate shall be delivered in manner provided by the said Act, signed by the minister who shall have performed the rite of baptism, and that the Registrar shall certify upon the said certificate the additional entry in the register book thereupon required by the said Act to be made, and shall forthwith send the said certificate through the Post Office to the Registrar General;—

It is Enacted,

II. That the certificate that such additional entry has been made shall be made and sent as aforesaid by the Registrar or Superintendent Registrar, as the case may be, to whom the minister's certificate shall have been delivered according to the provisions of the said Act.

III. That every Superintendent Registrar who shall knowingly and wilfully issue any licence for marriage after the expiration of three calendar months after the notice shall have been entered by the Superintendent Registrar, as provided by the said Act for marriages, or who shall knowingly and wilfully solemnise or permit to be solemnized in his office any marriage in the last-recited Act declared to be null and void, shall be guilty of felony.

And after reciting that in that part of the said Act for registering births, deaths, and marriages in England which provides for the recovery of penalties the word "offender" has been once inserted by mistake instead of the word "offence";—

It is Enacted,

IV. That in all cases in which any Justices are by the last-recited Act authorized to imprison any offender against the last-recited Act, the place of imprisonment shall be the common gaol or house of correction for the county, city, or place where the offence shall be committed.

V. That for the purpose of enabling any person to recover costs and damages in any action, as provided by the said Act for marriages, from any person who shall have entered a caveat on frivolous grounds with the Superintendent Registrar, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the general register office shall be evidence that the Registrar General has declared such caveat to have been entered on frivolous grounds, and that they ought not to obstruct the grant of the licence or issue of the certificate, as the case may be; and such declaration shall have the effect of the declaration required in such case by the said Act for marriages.

And after reciting that it hath been doubted, under the provisions of the said Act for registering births, deaths, and marriages in England, when the registration of the births and deaths of persons born and dying at sea ought to begin;—

It is Enacted,

VI. That the marine register books shall begin with the birth and death respectively which shall happen of persons born or dying at sea after the last day of June 1837, and of which a certificate shall be first sent to the Registrar General according to the provisions of the last-recited Act, and shall not contain any registry of the birth or death of any person born or dying at sea before the 1st of July 1837.

VII. That the Registrar General may receive and send by the General Post from and to all ports and places in the United Kingdom of Great Britain and Ireland all letters and packets relating exclusively to the execution of the said Acts for marriages, and for registering births, deaths, and marriages, or of this Act, free from the duty of postage, subject to the provisions and conditions of the said Act for registering births, deaths, and marriages, with respect to letters and packets so received or sent by him from and to places in England.

VIII. That it shall be lawful for the Registrar General, if he shall think fit, to direct that the place of birth or death of any person whose birth or death shall be registered under the said Act for registering births, deaths, and marriages, shall be added to the entry in such manner as the Registrar General shall direct; and such addition, when so made, shall be taken to all intents to be part of the entry in the register.

IX. That it shall be lawful for the Registrar General, with the consent of the Poor Law Commissioners, to direct that any place lying wholly within but not being part of any union, parish, or place for which a board of guardians shall have been established under the provisions of an Act, 4 & 5 Will. 4. c. 76, intitled, 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' shall be part of any one or more Registrars' districts within such union, parish, or place, and within the superintendence of the Superintendent Registrar thereof, or if not lying wholly within any one such union, parish, or place as last aforesaid, then to be for those purposes annexed to such union, parish, or place as last aforesaid, as the Registrar General, with the consent of the Poor Law Commissioners, shall direct.

X. That it shall be lawful for the Registrar General, if he shall see fit, with the approval of one of Her Majesty's principal Secretaries of State, to unite any two or more unions, parishes, or places for which a board of guardians shall have been esta-

lished under the Act last aforesaid, or any two or more Superintendent Registrars' districts into one Superintendent Registrar's district; and in every such case of union the Registrar General shall declare by which board of guardians the Superintendent Registrar shall thenceforward be appointed; and the Superintendent Registrar of the union, parish, or place for which such board is established shall from the time of such union be the sole Superintendent Registrar of such united district; and every provision of the said Acts for marriages, and for registering births, deaths, and marriages, relating to Superintendent Registrars, and to the districts under their superintendence, and to boards of guardians within such districts, shall apply to every such Superintendent Registrar, and to every such district, and to the board of guardians so selected and declared; and all register boxes, keys, books, documents, and papers in the possession of any Superintendent Registrar who shall cease to be such under the provisions of this Act shall be delivered to the Superintendent Registrar of the united district, and may be recovered in the manner provided by the last-recited Acts, and shall be removed from the office of the person ceasing to be Superintendent Registrar to the office of the Superintendent Registrar of the united district; and the office of every Superintendent Registrar ceasing to be such under the provisions of this Act shall from the time of such union as last aforesaid cease to be a register office within the meaning of the said last-recited Acts, and it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three of them, to cause to be repaid out of the Consolidated Fund such sum as the board of guardians shall have legally paid or for which they may have lawfully become liable as such guardians, for the sole purpose of providing a register office; and in every case in which such union as last aforesaid shall be intended to take place the Registrar General shall give public notice thereof, and of the time when the same shall take effect, by advertisement in the *London Gazette*, and in some newspaper circulating within the county; and every such union shall take effect from the day named in such advertisement in the *London Gazette*.

XI. That it shall be lawful for the Registrar General, if he shall see fit, with the approval of one of Her Majesty's principal Secretaries of State, to divide any union, parish, or place, or any Superintendent Registrar's district, into two or more Superintendent Registrars' districts, and notice of every such division shall be published in the *London Gazette*; and in every such case the guardians shall appoint a sufficient number of persons, with such qualifications as the Registrar General may by any general rule declare to be necessary, to be Superintendent Registrars of the new districts, and shall also appoint the district for which the clerk to the guardians or other person who may have been theretofore appointed as Superintendent Registrar of the whole union, parish, or place, shall continue to be Superintendent Registrar; and every provision of the said recited Acts for marriages, and for registering births, deaths, and marriages, relating to Superintendent Registrars and the districts under their superintendence, shall apply to every Superintendent Registrar so appointed, and to the district for which he shall be so appointed.

XII. That the Superintendent Registrar's office shall be taken, for the purposes of the said Act for marriages, and for registering births, deaths, and marriages, and of this Act, to be within the district of which it is the register office, although not locally situated therein.

XIII. That in case any such board of guardians of any union, parish, or place as aforesaid shall not have divided such union, parish, or place into Registrars' districts, with the approval of the Registrar General, before the 1st of July now next ensuing in case the said board was established before the 1st of March now last past, or within three calendar months next after their establishment in case the said board shall have been established on or after the said 1st of March, the Poor Law Commissioners for England and Wales shall divide such union, parish, or place into Registrars' districts, and shall appoint a Registrar to each of such districts, qualified according to the provisions of the said Act for registering births, deaths, and marriages; and every Registrar so appointed shall hold his office during the pleasure of the Registrar General.

XIV. That in every case in which the clerk to any such board of guardians shall not think fit or shall be disqualified to accept the office of Superintendent Registrar, and the guardians shall refuse or neglect during fourteen days after being required so to do by the Registrar General to appoint a Superintendent Registrar properly qualified, and in every case of vacancy of the office of Registrar or Superintendent Registrar in any such union, parish, or place in which the guardians shall refuse or neglect during fourteen days after such vacancy to appoint a Registrar or Superintendent Registrar properly qualified, the appointment shall lapse to the Registrar General.

XV. That the Registrar General shall have the power, subject to the approval of the Commissioners of the Treasury, to appoint by writing under his hand a fit person to act as his assistant in the case of the illness of the Registrar General; and every such assistant, while so acting, shall have all the powers and duties and be subject to all the provisions and penalties declared by the said Act for marriages, and for registering births, deaths, and marriages, in England, and by this Act, or any of them; except that such assistant shall not have power to make or declare any general rule, or to rescind or alter any order, regulation, or approval signified and made by the Registrar General in writing under his hand, or to dismiss any person from any office holden during the pleasure of the Registrar General.

XVI. That every Superintendent Registrar shall have the power, subject to the approval of the Registrar General, to appoint by writing under his hand a fit person to act as his deputy in case of the illness or absence of such Superintendent Registrar; and every such Deputy Superintendent Registrar, whilst so acting, shall have all the powers and duties and be subject to all the provisions and penalties declared by the said Acts for marriages, and for registering births, deaths, and marriages, in England, and by this Act, concerning Superintendent Registrars; and in case of the death of the Superintendent Registrar shall act as Superintendent Registrar until another be appointed; and every Superintendent Registrar shall be civilly responsible for the acts and omissions of his deputy.

XVII. That whenever there are two or more clerks to the guardians of any union, parish, or place, established under the provisions of the said Act for amending the laws relating to the poor, only one of whom shall possess such qualifications as the Registrar General by any general rule hath declared or shall declare to be necessary, or one only of whom shall think fit to accept the office of Superintendent Registrar of such union, parish, or place, such one shall be Superintendent Registrar of such union, parish, or place; and if two or more of such clerks shall possess such qualifications as aforesaid, and be willing to

accept such office, then such guardians shall elect and choose one of such clerks (possessing such qualifications as aforesaid) to be the Superintendent Registrar of such union, parish, or place; and that no other person shall be or be elected or appointed to be Superintendent Registrar of any such union, parish, or place, unless all the clerks to the board of guardians (possessing such qualifications as aforesaid) shall not think fit to accept such office.

XXVIII. That every Registrar of births and deaths and every Registrar of marriages appointed under the provisions of the said Acts or either of them shall be freed and exempted from being returned and from serving on any jury or inquest, and from every parochial and corporate office whatever.

XIX. That for better enabling fit register offices to be provided it shall be lawful for any such board of guardians to borrow money for that purpose, and to charge the amount of the sum borrowed on the future poor rates of the parish, union, or place of which they are the guardians, in the manner provided by the said Act for amending the laws relating to the poor with respect to monies borrowed for building workhouses for the relief of the poor; save only that the yearly instalments by which any money borrowed as aforesaid shall be repaid shall not be less than one-twentieth of the sum borrowed, with interest on the same, and need not be more in any one year.

XX. That in any case in which any such board of guardians shall neglect or refuse to provide and uphold a register office according to the provisions of the said Act for registering births, deaths, and marriages, it shall be lawful for the Commissioners of the Treasury, or any three of them, on the application of the Registrar General, to give directions for providing and upholding the same, and to expend a sum not exceeding 300*l.* in providing the same, and also all sums needful for the repair and maintenance thereof from time to time, in case the guardians shall continue to refuse or neglect to repair and uphold the same: and it shall be lawful for the said Commissioners, or any three of them, to make an order from time to time on such guardians for the repayment, out of the monies coming to their hands as such guardians, of all sums so to be from time to time expended, and such order shall be binding upon the said guardians, and the guardians shall also be bound to pay out of the monies coming to their hands as such guardians all costs and expenses incurred by or under the direction of the said Commissioners in making and enforcing such order.

XXI. That until a register office shall be provided in any Superintendent Registrar's district the Superintendent Registrar shall appropriate some fit room or rooms to be approved by the Registrar General, as the Superintendent Registrar's office of that district.

XXII. That the Registrar General shall be authorized to fix from time to time the number of Registrars of marriage to be appointed by any Superintendent Registrar; and no Superintendent Registrar shall have power to appoint more than the number so fixed for him to appoint.

XXIII. That the Registrar General, under the direction of one of Her Majesty's principal Secretaries of State, shall take order that the solemn declaration and form of words provided to be used in the case of marriages under the said Act for marriages be truly and exactly translated into the Welsh tongue, and shall cause the same so translated to be furnished to every Registrar of marriages throughout Wales, and in all places where the Welsh tongue is commonly used; and it shall be lawful to use the declaration and form of words so translated, and published by authority, in all places where the Welsh tongue is commonly used or preferred, in such manner and form and to the same intents and purposes as by the said Act is prescribed in the English tongue.

And after reciting that by the said Act for marriages in England provision is made for the transmission of notice of marriage to the clerk to the guardians of the poor law union, or of the parish or place comprising the district of a Superintendent Registrar, and for the reading of the same at certain meetings of such guardians: And whereas it may happen in certain Superintendent Registrar's districts that there may be no such guardians;—

It is Enacted,

XXIV. That in every such case, but only until the election of such board of guardians and of a clerk to their board, every notice of marriage given according to the provisions of the said Act for marriages, or a true and exact copy thereof, under the hand of the Superintendent Registrar, shall be suspended in some conspicuous place in the office of the Superintendent Registrar during seven successive days, if the marriage is to be solemnized by licence, or twenty-one days if the marriage is to be solemnized without licence, before any marriage shall be solemnized in pursuance of such notice; and the particulars of every such notice shall be sent by the Superintendent Registrar to every Registrar of marriages within his district, and shall be open to the inspection of every one who shall apply at reasonable times to such Registrar to inspect the same.

And after reciting that by the said Act for registering births, deaths, and marriages it is provided that the costs of all marriage register books and forms for certified copies thereof, furnished to the rector, vicar, or curate of every church and chapel in England wherein marriages may be lawfully solemnized, shall be paid by the churchwardens and overseers of the parish or chapel out of the monies in their hands as such churchwardens or overseers, and that the cost of register books of births and of register books of deaths, and of forms for certified copies thereof, shall be paid by the guardians or by the churchwardens and overseers (as the case may be) out of the monies coming to their hands or controul as such guardians or by the churchwardens and overseers;—

It is Enacted,

XXV. For removing doubt as to the fund chargeable therewith, That the cost of all such books and forms shall be borne by the union, parish, or place in and for which the Superintendent Registrar is appointed who superintends the Registrar for whose use such books were provided, or to whom such rector, vicar, or curate is by the said Act directed to deliver one copy of such register; and such cost shall be paid to the said Superintendent Registrar by the guardians or by the churchwardens and overseers, as the case shall be, out of the monies coming into their hands as such guardians or such churchwardens and overseers for the relief of the poor.

XXVI. That the certified copies of the entries of births, deaths, and marriages required by the said Acts for marriages, and for registering births, deaths, and marriages, or by an Act passed in this session of Parliament, intituled 'An Act to suspend for a limited Time the Operation of Two Acts passed in the last Session of Parliament, for registering Births, Deaths, and Marriages in England, and for Marriages in England,' to be made and delivered to the Superintendent Registrar, and also the certificates to be made and delivered to the Superintendent Registrar that there has been no birth, death, or marriage registered since the delivery of the last certificate, shall in every case be made up and refer respectively to the last days of March, June, September, and December then next preceding, and not to the time of the making or delivery of such certified copy or certificate when made on any subsequent day.

And after reciting that it is required by the said Act for registering births, deaths, and marriages, that every rector, vicar, and curate shall register in duplicate the particulars of every marriage solemnized by him, one of which registers he is also required to deliver when filled to the Superintendent Registrar of the district in which such church or chapel may be situated, and also four times in every year to deliver to the said Superintendent Registrar a true copy, certified by him under his hand, of all the entries of marriages in the register book kept by him since the last certificate;—

It is Enacted,

XXVII. That the Superintendent Registrar shall pay or cause to be paid to the said rector, vicar, or curate the sum of 6*d*. for every entry contained in such certified copy, which sum shall be reimbursed to the said Superintendent Registrar by the guardians or overseers of the union, parish, or place for which he shall be appointed Superintendent Registrar as aforesaid, in like manner as by the said Act is provided for the payment of the Registrar on production of his accounts to the Superintendent Registrar.

XXVIII. That every person who under the provisions of the said Acts for marriages, and for registering births, deaths, and marriages, or either of them, as amended by this Act, is required to make and deliver to any Superintendent Registrar a certified copy of the entries of any births, deaths, or marriages registered by him, or the certificate required by the said Acts as amended by this Act that there have been no entries since the last certificate, and who after being duly required to deliver such certified copy or such certificate as aforesaid shall refuse or during one calendar month neglect so to do, shall be liable for every such offence to forfeit a sum not exceeding 10*l*., to be recovered as other penalties for offences against the said Acts are made recoverable: Provided always, that in such case a moiety of the penalty shall not go to the informer, but the whole shall go to the Registrar General, or such other person as the Commissioners of the Treasury shall appoint, for the use of Her Majesty.

XXIX. That in every case in which any rector, vicar, or curate is required by either of the said Acts for marriages, and for registering births, deaths, and marriages, or by this Act, to give or deliver any notice, certificate, or certified copy to any Superintendent Registrar, it shall be sufficient for such rector, vicar, or curate to give or deliver the same to some Registrar under the superintendence of such Superintendent Registrar; and every Registrar on receiving any such notice, certificate, or certified copy shall give or deliver the same to the Superintendent Registrar; and each Superintendent Registrar shall direct the Registrars of births and deaths under his superintendence quarterly or oftener if he shall think fit or shall be so ordered to do by the Registrar General to collect the notices, certificates, and certified copies from every rector, vicar, and curate within his district.

And for removing of all doubt with regard to the administration of oaths—

It is Enacted,

XXX. That every person before whom by the said Acts or either of them an oath is directed to be taken is hereby authorized to administer the same.

XXXI. That the prosecution for every offence punishable upon summary conviction by virtue of the said Acts or this Act shall be commenced within three months after the commission of such offence.

XXXII. That no stamp duty shall be required, nor shall any duty be chargeable on any licence under the hand and seal of any bishop, or any other instrument necessary for authorizing the solemnization of marriages in any chapel according to the provisions of the said Act for marriages.

XXXIII. That the banns of marriage of any persons may be published in any chapel licensed by the bishop, according to the provisions of the said Act for marriages, for the solemnization of marriages, in which those persons might lawfully be married; and instead of the notice required by the said Act the words "Banns may be published and Marriages may be solemnized in this Chapel" shall be placed in some conspicuous part in the interior of every such chapel.

And after reciting that doubts may arise whether under the said recited Acts it is lawful for the bishop to license chapels for marriages between parties one only of whom resides within the district specified in such licence;—

It is Enacted,

XXXIV. That all such licences shall be construed to extend to and authorize marriages in such chapels between parties one or both of whom is or are resident within the said district: Provided always, that where the parties to any marriage intended to be solemnized after publication of banns shall reside within different ecclesiastical districts the banns for such marriage shall be published as well in the church or chapel wherein such marriage is intended to be solemnized as in the chapel licensed under the provisions of the said recited Act for the other district within which one of the parties is resident, and if there be no such chapel then in the church or chapel in which the banns of such last-mentioned party might be legally published if the said recited Act had not been passed.

And after reciting that certain provisions are made in the Act intituled, 'An Act for Marriages in England,' relating to the celebration of marriages in separate buildings;—

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It is Enacted,

xxxv. That any building which shall have been licensed and used during one year next before registration for public religious worship as a Roman Catholic chapel exclusively shall be taken to be a separate building for the purpose of being registered for the celebration of marriages, notwithstanding the same shall be under the same roof with any other building, or shall form a part only of a building.

And after reciting that it is enacted in the said recited Act for marriages in England, that where by any law or canon in force before the passing of the said Act it is provided that any marriage may be solemnized after publication of banns, such marriage may be solemnized in like manner on production of the Registrar's certificate as thereafter provided ;—

It is Enacted,

xxxvi. That the giving of notice to the Superintendent Registrar, and the issue of the Superintendent Registrar's certificate, as in the said Act and by this Act provided, shall be used and stand instead of the publication of banns to all intents and purposes where no such publication shall have taken place ; and every parson, vicar, minister, or curate in England shall solemnize marriage after such notice and certificate as aforesaid in like manner as after due publication of banns : Provided always, that the church wherein any marriage according to the rites of the Church of England shall so be solemnized shall be within the district of the Superintendent Registrar by whom such certificate as aforesaid shall have been issued.

CAP. XXIII.

AN ACT to abolish the Punishment of the Pillory.

(30th June 1837.)

By this Act,

After reciting that it is expedient to abolish the punishment of the pillory ;—

It is Enacted,

That from and after the passing of this Act judgment shall not be given and awarded against any person or persons convicted of any offence that such person or persons do stand in or upon the pillory ; any law, statute, or usage to the contrary notwithstanding : Provided that nothing herein contained shall extend or be construed to extend in any manner to change, alter, or affect any punishment whatsoever which may now be by law inflicted in respect of any offence, except only the punishment of pillory.

CAP. XXIV.

AN ACT to explain and amend an Act of the Seventh Year of His Majesty King *George* the Fourth, to provide for improving and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judges Lodgings, throughout *England* and *Wales*.

(30th June 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Powers of 7 Geo. 4. c. 63. to extend to cases of building or repairing new shire halls or county halls, or buildings used partly as shire halls and partly as town halls, in certain cases.*
2. *Where place for holding Assize is changed, the Justices empowered to take measures for providing the accommodation necessary.*
3. *Clerks of the peace, by order of Justices in Sessions, for counties may contract for use of buildings for holding Assizes and Sessions.*
—*Previous notice to be given of such order.*
4. *All matters transacted in shire halls provided under this Act declared valid.*
5. *Act may be altered this Session.*

By this Act,

After reciting that by an Act, 7 Geo. 4. c. 63, intituled, 'An Act to provide for improving and rebuilding Shire Halls, County Halls, and other Buildings for holding the Assizes and Grand Sessions, and also Judges Lodgings, throughout England and Wales,' it is amongst other things enacted, that whenever it shall appear to the Justices at any General or Quarter Sessions of the Peace to be holden in any county, riding, or division in England or Wales, by any presentment to be made by the grand jury at any Assizes or Session of Gaol Delivery or Session of the Peace to be holden for any such county, riding, or division, or by any presentment to be at any time made by any two or more Justices of the Peace in and for such county, riding, or division, and laid before the Justices at any such General or Quarter Sessions of the Peace, that any shire hall, county hall, or other building

accustomably made use of for holding the Assizes or Sessions of the Peace shall be insufficient, inconvenient, deficient, or in want of repair or improvement, or that there is a necessity for the erection of a new shire hall, county hall, or other building, it shall be lawful for the Justices assembled at the General or Quarter Sessions at which such presentment shall be laid before such Justices in manner therein mentioned to take such measures, either by contract or otherwise, as shall appear to them to be requisite and proper for the altering, enlarging, repairing, or improving of any shire hall, county hall, or other building as aforesaid, or for the pulling down of any such shire hall, county hall, or other building, or any part thereof, and for the building of any new shire hall, county hall, or other building, or any part thereof, in lieu of any building or any part of any building which shall be so pulled down: And that the Assizes and Sessions of the peace for divers counties, ridings, and divisions have been usually holden in the town hall of some city or town, or in some building, belonging jointly to such county, riding or division, and to the city or town wherein the same is situate, and not in any shire hall, county hall, or other building belonging exclusively to such county, riding, or division; and doubts have been entertained whether under the provisions of the said Act the Justices have power under any such presentment as aforesaid to take measures for the building, altering, or repairing of any shire hall or county hall, or building used or to be used partly as a shire hall and partly as a town hall, in those cases in which such Assizes or Sessions have heretofore been usually holden in some town hall or other building not being a shire hall or county hall, or other building belonging exclusively to such county, riding, or division, and it is expedient that such doubts should be removed: And that by an Act, 4 Will. 4. c. 71, intituled, 'An Act for the Appointment of convenient Places for the holding of Assizes in England and Wales,' it is amongst other things enacted, that His Majesty, by and with the advice of His Most Honourable Privy Council, shall have power from time to time to order and direct at what place or places in any county of England or Wales the Assizes or Sessions under the commissions of gaol delivery and other commissions for the despatch of criminal and civil business shall be holden, and to order and direct such Assizes and Sessions for the despatch of criminal and civil business to be holden at more than one place in the same county on the same circuit; and it is expedient that the provisions contained in the said Act, 7 Geo. 4. c. 63, should be extended to cases where it may be necessary to provide shire halls for holding Assizes in places at which the same may be holden under the provisions of the said Act, 4 Will. 4. c. 71; and that it is also expedient that the Justices of the Peace of counties, ridings, or divisions in England and Wales should be empowered to enter into contracts with the owners of town halls or other buildings, for the use and occupation of such town halls or other buildings, or part thereof, for the holding of Assizes and Sessions therein, and for other county business, and for the repair, alteration, or improvement of such town halls or other buildings:—

It is Enacted,

I. That all and singular the powers, authorities, and provisions in the said Act, 7 Geo. 4. c. 63, contained relative to the building, altering, and repairing of any shire hall or county hall, in lieu of any former shire hall or county hall pulled down under the provisions of the said Act, and to the purchasing any houses, lands, tenements, or hereditaments for that purpose, and to defraying the expenses of any such building, and to raising money for that purpose, shall be deemed and taken to apply to and authorize the building, altering, and repairing of any shire hall or county hall, or building used or to be used partly as a shire hall and partly as a town hall, in those cases in which such Assizes or Sessions as aforesaid have usually been holden in some town hall or other building not belonging exclusively to such county, riding, or division, and whether such town hall or other building shall or shall not be pulled down, and the purchasing any houses, lands, tenements, or hereditaments for that purpose, and the defraying the expenses of any such building, and the raising money for that purpose, in the same way as if such shire hall, county hall, or building used or to be used partly as a shire hall and partly as a town hall had been built in lieu of some shire hall or county hall pulled down under the provisions of the said last-mentioned Act.

II. That in all cases in which by virtue of any order in council, made or to be made under the authority of the said Act, 4 Will. 4. c. 71, the Assizes for any county, riding, or division have been or shall hereafter be directed to be holden in any city, town, or place in which the same have not usually been holden, either in addition to or in substitution for the place at which the same have usually been holden for such county, riding, or division, the provisions contained in the said Act, 7 Geo. 4. c. 63, shall be deemed and taken to authorize and empower the Justices in sessions assembled to take all necessary measures, by contract or otherwise, for purchasing in such city, town, or place at which such Assizes shall have been or may hereafter be directed to be holden any building to be converted into or used as a new shire hall or county hall, or for purchasing in such city, town, or place any ground, and erecting thereon any new shire hall or county hall, and for repairing and altering from time to time any such shire hall, county hall, or building, in the same manner and subject to the same restrictions and regulations, and with the same powers and authorities, as in the said last-mentioned Act are contained with reference to the county halls or shire halls therein mentioned: Provided always, that nothing herein or in the said recited Act contained shall be deemed or taken to restrict the said Justices from purchasing any such shire hall or county hall, or causing the same to be built in any place which to them may seem most convenient.

III. That it shall be lawful for the Clerk of the Peace for the time being of any county, riding, or division, by order of the Justices of the Peace of such county, riding, or division in General or Quarter Sessions assembled, by writing under his hand to contract, on behalf of such county, riding, or division, with any person or persons, bodies politic, corporate, or collegiate, being the owner or owners of any town hall or other building, for the use and occupation of such town hall or other building, or any part or portion thereof, for holding the Assizes and Sessions of such county, riding, or division therein, and for other public purposes of such county, riding, or division, upon such terms, and subject to such annual rent, and to such conditions as to the repairs, alterations, or improvements of such halls or other buildings, or any part or portion thereof, and for furnishing the same with necessary and convenient furniture, matters, and things, or otherwise, as may be agreed upon between such Clerk of the Peace, on behalf of such county, riding, or division, and such owner or owners as aforesaid; and all such contracts shall be binding and conclusive upon the several parties thereto for such period of time as shall be specified therein; and such annual rent, and the costs and charges of such alterations, repairs, improvements, and furniture, or so much thereof as shall by such contract be agreed to be paid by the said county, riding, or division, shall be defrayed out of the general rates of such county riding, or division, in like manner as the other general expenses of such county, riding, or division are by law now directed to be paid; Provided always, that no such order of Sessions shall be made unless due notice of the intention to propose the

same shall have been given in some newspaper usually circulated in such county, riding, or division, twice at least in each of the last three months previously to the holding of the Sessions at which such order shall be made: Provided also, that no Clerk of the Peace shall be personally liable by virtue of any such contract.

iv. That all matters and things to be done and transacted in any shire hall, county hall, or other building to be purchased, built, or hired under the powers of this Act, shall be as good, valid, and effectual to all intents and purposes as if the same had been done and transacted in any shire hall built under the powers of the said Act, 7 Geo. 4. c. 63.

v. That this Act may be altered or repealed by any other Act in this present session of Parliament.

CAP. XXV.—IRELAND.

AN ACT to make more effectual Provisions relating to the Police in the District of *Dublin Metropolis*.
(3rd July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Police district of Dublin metropolis defined.*
2. *The Lord Lieutenant and Council may direct any parishes within certain limits to be added to the district; and such parishes when so added shall become part of such district.*
3. *Misnomers not to affect the execution of the Act.*
4. *Provision for assessing and levying police rates in the metropolitan district.—Mode of making the assessment.—Allowance to assessors.*
5. *The valuation made under the statute 5 Geo. 4. c. cxviii. to be adopted as to all houses, &c. comprised in it.*
6. *When assessment is made notice thereof shall be given, and all persons included in the assessment shall have liberty to inspect it, &c.—Penalty for refusing such inspection.*
7. *Collection of the police rate.*
8. *Appeal against assessment.—The assessment may be altered to relieve the appellant, without altering any other part of it.*
9. *Landlords to be rated for houses under 10l.—Rates on lodging houses how to be paid.*
10. *No rate to be made under this Act until after two months; until that time, the powers of recited Act to continue.—Recovery of arrears then due.*
11. *Accounts of monies received and expended under this Act to be annually laid before Parliament.*
12. *No part of the district to be charged with county grand jury cess for constabulary force.*
13. *Police district may be divided.*
14. *Upon reduction of divisions, the Justices, &c. may be superseded, at discretion of Lord Lieutenant, on two-thirds of their salaries.*
15. *Allowances to Justices, &c. shall be suspended on appointment to any office with a salary equal to that of the office suspended, and in proportion if to an office with a less salary.*
16. *Lord Lieutenant may fix the hours of attendance.*
17. *When the Justices are reduced to two in each office, Lord Lieutenant may increase their salaries to 600l.*
18. *Lord Lieutenant may grant compensation to the inspector of the county of Dublin constabulary under 5 Geo. 4. c. 28.*
19. *No office under 6 Will. 4. c. 29. to prevent the holder from receiving half pay.*
20. *Justices not to serve on juries.*
21. *Regulations as to coffee shops or cellars, &c.—Penalty for offending herein.—Application of penalty.—Proviso.*
22. *Prohibiting the blowing of horns.—Penalty not exceeding 40s.*
23. *To prevent negligent or wilful misbehaviour of drivers of carriages, &c. in the streets or highways.—Penalty not exceeding 40s.—Compensation for hurt or damage not exceeding 5l.*
24. *Powers of the Commissioners of Paving to determine offences transferred to the Divisional Justices.—Powers of inspectors, &c. under said Act given to constables under 6 & 7 Will. 4. c. 29.*
25. *All fines imposed to be paid to the receiver of the police funds.*
26. *Form of conviction for offences.*
27. *Conviction not to be quashed for want of form or removable.—Appeal to Quarter Sessions, &c.*
28. *Act may be altered this session.*
29. *Public Act.*

By this Act,

After reciting the 6 & 7 Will. 4. c. 29, intituled, 'An Act for improving the Police in the District of *Dublin Metropolis*,' whereby provision was made for establishing a new and more efficient system of police within the limits of the police district of *Dublin metropolis*: and that it is expedient to alter the limits of the said police district, and to make further provision for the more effectual maintenance and regulation of the said police;—

It is Enacted,

1. That Her Majesty's Castle of *Dublin*, and all places situate and contained within the limits or boundary specified and described in the Schedule to this Act annexed, shall, from and after the day to be appointed and notified, as in the said Act mentioned, for the new police to take charge of the said district, be constituted for the purposes of this Act and of the said recited Act of the last session of Parliament, and the several other Acts establishing and regulating the police of *Dublin metropolis*, into one district, to be called "The Police District of *Dublin Metropolis*," instead and in the place of the police district of the said metropolis as the same was constituted and defined in and by an Act, 48 Geo. 3. c. 140, intituled, 'An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within

the District of Dublin Metropolis; and that all parts of the county of Dublin not comprised within the same district, as the same is by this Act limited and defined, shall be deemed to be the county of Dublin for the purposes of and within the intent and meaning of an Act, 6 & 7 Will. 4. c. 13, intituled, 'An Act to consolidate the Laws relating to the Constabulary Force in Ireland.'

And after reciting that it may hereafter become expedient that the provisions of this Act should be extended to other places in addition to the places comprised within the limits or boundary described in the Schedule to this Act annexed;—

It is Enacted,

II. That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being from time to time, by the advice of Her Majesty's Privy Council for Ireland, to order that any parish or place in the county of Dublin or county of the city of Dublin, of which parish or place any part shall be situate within the limits or boundary described in the said Schedule, shall, after a certain day to be named in such order, be added to and form part of the said police district, and thereupon and by force of such order such parish or place shall be and become to all intents and purposes part of such police district, as if the same had been originally included therein by virtue of this Act.

III. That no misnomer or inaccurate description in the Schedule to this Act annexed, or in any order in council to be made as aforesaid, shall prevent or in anywise affect the operation thereof, but that this Act and every such order shall apply and be enforced as fully and effectually to all intents and purposes as if the subject of such misnomer or misdescription had been correctly named and described in such Schedule or order in council, provided the same be designated to common intent and understanding; and provided further, that united parishes shall for all the purposes of this Act be deemed to be included under and denoted by the word "Parish."

And after noticing that it is expedient to provide for the more just and equal assessment of all houses, lands, and tenements in the said districts towards the maintenance of the said police, and for the purposes of the said Acts and this Act;—

It is Enacted,

IV. That it shall and may be lawful for the said Justices appointed under the said first-recited Act of the last session of Parliament to raise and levy from time to time, on all houses, lands, and tenements situate and being within the said district, such rates or taxes as they shall from time to time find necessary for the maintenance of the said police, and the several purposes of the said Acts and this Act; provided that the sum or sums to be so raised and levied shall not exceed in the whole in any one year 8*d.* in the pound on the annual value of such houses, lands, and tenements; and the said Justices shall from time to time as they find occasion by warrant under their hands appoint one or more proper person or persons to rate and assess all such houses, lands, and tenements to such rate as shall from time to time be fixed and determined by the said Justices, not exceeding the amount of 8*d.* in the pound, according to the full and fair annual value thereof; and every such assessor or assessors shall, within forty days after the delivery to him or them of the warrant of his or their appointment, deliver to the said Justices an assessment for each place named in such warrant, which assessment shall specify the names of the several owners or occupiers of the respective houses, lands, and tenements comprised in such assessment, the full and fair annual value of the same, and the amount of police tax chargeable thereon respectively; and every such assessor shall be allowed for his trouble and expenses such remuneration as the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors shall direct, and the same shall be paid out of the funds applicable to the maintenance of the said police.

V. Provided always, That all houses, lands, and tenements included in the general valuation made of the city of Dublin pursuant to the 5 Geo. 4. c. cxviii, intituled, 'An Act to provide for valuing the Houses situate in and near the City of Dublin, and for the more equal Payment of the Local Taxes there,' shall, so far as such valuation may be applicable to the purposes of this Act, be valued, rated, and assessed to the said police tax according to their respective annual values as set forth in such valuation; and the said assessors shall adopt the same, and rate such houses, lands, and tenements accordingly, unless where, upon appeal from any assessment made under this Act in manner hereinafter mentioned, it shall have been determined that the said valuation is erroneous.

VI. That when any such assessment shall have been made by the said Justices they shall cause notice of such assessment, and of a place where the same may be inspected, to be given by advertisements inserted in some one or more newspapers published in the city of Dublin, and by notices posted at the several watch or station houses, and at the police office of the division in which the parish or place to which such assessment shall relate may be situate, and on such other places within the same as they shall think necessary; and any person in whose custody such assessment may be shall permit every owner or occupier of property included in such assessment to inspect the same at all reasonable times, and to make any extracts therefrom, without payment of any fee or reward; and if such person shall wilfully neglect or refuse to permit any such owner or occupier to inspect such assessment, or to make any extract therefrom, he shall, on conviction thereof before any two Justices of the Peace, forfeit and pay for every such offence such sum not exceeding 5*l.* as the Justices shall think meet.

VII. That the said Justices shall from time to time nominate and appoint one or more person or persons for levying the amount of police tax charged in every such assessment, who shall have the same powers, remedies, and privileges, and shall be subject to the same regulations and penalties, for and with reference to the performance of their duties, as if he or they were collector or collectors of the rates and assessments authorized to be levied by the said Justices under the said first-recited Act of the last session of Parliament, and shall pay over the amount of such police rate to the receiver appointed under the said last-mentioned Act, or in default thereof shall be deemed and taken to have embezzled the same, and be proceeded against in the same manner as collectors in default may now be proceeded against under any Act now in force relating to the collection of the watch tax in the district of Dublin metropolis, or under any law in force in Ireland for the punishment of the crime of embezzlement; and all money received by any such collector shall from the receipt thereof by him be deemed the money of the said receiver, and may be so described in any information, indictment, or other proceeding.

VIII. Provided always, That if any person who shall have paid the amount charged upon him by any assessment made under this Act shall think himself aggrieved thereby, either on the ground that such assessment includes any property for which he is not rateable, or that his rateable property is assessed beyond its full and fair annual value, or that any person or persons is or are omitted out of such assessment, or that the property of any person or persons is assessed below its full and fair annual value, the person so thinking himself aggrieved may appeal to the next Court of General or Quarter Sessions which shall be holden for the county of the city of Dublin, not less than twenty-one days after public notice of such assessment shall have been given as hereinbefore mentioned; provided that the person so intending to appeal shall give to the said receiver a notice in writing of such appeal, and of the cause and matter thereof, ten clear days at the least before such Sessions, and shall also, within three days after his notice of appeal, enter into a recognizance before some Justice of the Peace of the said county, with two sufficient sureties, conditioned to try such appeal at the said Sessions, and to abide the order of the Court thereupon, and to pay such costs as shall be by the Court awarded; and in case such person shall appeal on the ground that any person or persons is or are omitted out of the assessment, or that the property of any person or persons is assessed below its full and fair annual value, the party so appealing shall not only give such notice of appeal to the receiver, and enter into such recognizance as aforesaid, but shall also give a like notice of appeal to the person or persons so interested in the event of such appeal as aforesaid, and shall enter into a like recognizance within the times hereinbefore respectively mentioned; and the person or persons so interested shall, if he or they shall desire it, be heard upon the appeal; and the Justices of the Peace at such Sessions or some adjournment thereof, upon due proof of the notice having been given and of the recognizance having been entered into as aforesaid, shall hear and determine the matter of the appeal in a summary manner, and shall make such order therein, with or without costs to either party, as the said Justices shall think proper; and in case the said Justices shall think the appellant entitled to relief they shall order the assessment to be amended in such manner as may be necessary for giving him relief, and shall also order any money paid by him which he was not liable to pay to be returned to him by the said receiver; and in case he shall have appealed on the ground that any person or persons is or are omitted out of the assessment, the said Justices may order the name or names of such person or persons to be inserted in the assessment, and to be therein rated at such amount as they shall deem just; and in case the appellant shall have appealed on the ground that the property of any person or persons is assessed below its full and fair annual value, the said Justices may order the amount at which such person or persons is or are rated in the assessment to be altered in such manner as they shall deem just; and the proper officer of the Court shall in each of the cases aforesaid forthwith amend the assessment accordingly, but the assessment shall not be quashed or altered with respect to any other persons named therein; and the determination of the Justices at any such sessions or adjournment shall be final and conclusive.

IX. That where any house liable to assessment under this Act shall be of a less annual value than 10*l.*, the immediate landlord under whom such house may be held shall be rated and assessed to the said tax; and that when any house shall be let out in apartments, the immediate lessor or landlord under whom all the different holdings in such house are derived shall be rated or assessed for the same, and the rate payable in respect thereof may be recovered from such lessor or landlord, whose goods and chattels, wheresoever found, shall be liable to be distrained for payment of such rate, as if found on the premises chargeable: Provided always, that where such rate shall be in arrear and unpaid for the space of thirty-one days after the same shall have become due it shall be lawful for the collector or other person authorized to demand payment thereof to give notice in writing to the person or persons in occupation of the house in respect whereof such arrears shall be due to pay to the receiver of the said police establishment the rent or rents reserved upon his, her, or their holding; after the service of which notice, by leaving the same at the premises chargeable, every such tenant, occupier, or lodger shall pay all rent thereafter accruing due from him, pursuant to the requisition of such notice, the receipt of which payment shall be a sufficient discharge for such rent to the person paying the same against the immediate landlord of such person, who shall accept such receipt as payment of so much rent due to him; and no such tenant, occupier, or lodger shall be liable to any distress or other remedy on the part of such landlord for the amount so paid; and from and after the delivery of such notice, and until satisfaction of all such arrears of the said police tax, the said receiver, or any other person authorized by the said Justices to receive such arrears, shall have all such rights, powers, and authorities for recovering and enforcing the payment of the rent due and payable by any such tenant, occupier, or lodger as the immediate landlord of such tenant, occupier, or lodger might have had; and after satisfaction of such arrears of the said police tax by the receipt of such rent as aforesaid, the overplus, deducting therefrom 1*s.* in the pound, and so rateably for any smaller sum, shall be paid over to the said landlord.

X. Provided, That the first rate or assessment of the said police tax under this Act shall not be made until after the expiration of two calendar months from the passing of this Act, and shall be thereafter made at such time or times as the said Justices shall fix; and that until such first rate and assessment of the said police tax shall be made under this Act, but no longer, the powers given in and by the said first-recited Act of the last session of Parliament to the said Justices to raise and levy the rates and assessments mentioned in the said Act shall continue and be in full force and effect: Provided always, that it shall and may be lawful for the said Justices to recover, by all such ways and means as they might have done in case this Act had not been passed, any arrears of such rates or assessments remaining due at the time of making such first rate or assessment of the said police tax under this Act.

XI. That an account of all monies received and expended for the purposes of this Act made up to the 31st of December in each year, shall annually be laid before both houses of Parliament within thirty days thereafter, if Parliament be then sitting, or within thirty days after the first meeting of Parliament subsequent to the 31st of December; and such account shall specify the total sum charged upon and received from every parish, township, precinct, liberty, or place for the purposes of this Act, the rate in the pound at which such sum shall have been computed, and the total annual value of the entire property in every such parish, township, precinct, liberty, or place as such total annual value shall be stated in the last valuation thereof, acted upon for the purposes of this Act; and such account shall also specify the different heads of expenditure for the purposes of the police and the amount actually expended under each.

XII. That no houses, lands, or tenements comprised within the said district shall, from and after their being assessed under this Act, be liable to or charged with any rate, cess, or assessment imposed by virtue of any presentment made or to be made

by the grand jury of the county of Dublin, for or in respect of the constabulary force for the said county, under the said hereinbefore recited Act of the last session of Parliament, except in so far as may be required to pay any advance which may have been made for the service of the said constabulary force previous to such first assessment; all which advances shall and may be recovered, and the said houses, lands, and tenements, and the owners and occupiers thereof, be and remain liable to the payment of all sums presented and apportioned on account of such previous advances, in like manner to all intents and purposes as if this Act had not been made.

And after reciting that the said police district of Dublin metropolis, as heretofore constituted and defined, is by law directed to be divided into and now consists of four divisions, in each of which one public office is established, and three Divisional Justices appointed to attend; and that it may be expedient that a smaller number of divisional and police officers and Divisional Justices respectively should be established and assigned in and for the said police district as defined under this Act;—

It is Enacted,

XIII. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, by and with the advice of Her Majesty's Privy Council there, to divide the said police district of Dublin metropolis, as defined under this Act, into any number not exceeding four divisions, and to define and declare the limits thereof accordingly, and to establish public offices therein, one in each such division, and to attach to each such office any number not exceeding three such Justices; and from time to time as such Lord Lieutenant or other Chief Governor or Governors shall, with such advice and consent as aforesaid, think proper, to alter the number of such divisions or the limits thereof, or to discontinue or alter the situation of any of the said offices, or to increase or diminish the number of Justices attached thereto respectively: Provided always, that there shall not at any time be more than four such divisions or offices, nor more than three nor less than two Justices (of whom one shall be a barrister) attached to any such office.

XIV. That upon any such reduction of the number of Divisional Justices or divisions, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors to select from and out of the Divisional Justices then acting as such so many as may be required to discharge the duties of the said police offices, and to supersede other of the said Justices whose services may not be required, and in like manner to supersede any clerk or chief constable previously attached to any office then discontinued, and to direct that any of such Justices, clerks, or constables so superseded shall receive two-thirds of his present salary during his life, payable in like manner as the salary of such Justices, clerks, or constables are payable out of the funds applicable to the maintenance of the said police.

XV. Provided always, That the payment of any and every allowance of any proportion of salary to any Justice, clerk, or constable superseded under this Act, shall altogether cease and be suspended during any period while the person to whom such allowance shall be granted shall hold any office in any public department, the salary or profits whereof shall be equal to or shall exceed the salary which was enjoyed by such person as such Justice, clerk, or constable; and in case the salary or profits of the office to which such person may be appointed shall be less than the salary which was enjoyed by such person as such Justice, clerk, or constable, then no more of such allowance shall be paid to him than what, together with the salary and profits of such new office, shall be equal to the amount of the salary enjoyed by such person at the time of his being superseded as aforesaid.

XVI. That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time as he or they shall find necessary, to make such rules and regulations in respect of the attendance of the Justices and other officers at the police offices, and conducting the same, as may be deemed expedient, and to require the occasional attendance of any Divisional Justice at any office other than that to which he may be regularly attached, if necessary.

XVII. That whenever the number of Divisional Justices at any public office in the said district shall not exceed two, or the number of offices be reduced below four, it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors, in consideration of the increased duty which will be imposed on such Justices, to increase the salary of each Divisional Justice at such office, or in case of the reduction of the number of offices at the remaining offices to any sum not exceeding 600*l.* by the year, to be chargeable on the funds applicable to the maintenance of the said police.

And after reciting that by operation of the said recited Act of the last session of Parliament, for the consolidation of the laws relating to the constabulary force in Ireland, the office of superintendent or inspector of the chief constable and constables appointed under an Act, 5 Geo. 4. c. 28, intituled, 'An Act to amend an Act of the Third Year of His present Majesty's Reign, for the Appointment of Constables in Ireland,' will cease and determine on the constabulary force of the said county being organized under the said Act of the last session of Parliament, and it is reasonable that compensation should be made to such superintendent for the loss of the said office;—

It is Enacted,

XVIII. That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors to grant to the person having held the said office of superintendent or inspector of the chief constables and constables an annual allowance or compensation not exceeding two-thirds of the salary paid to him in respect of the said office, which allowance or compensation shall be presented by the grand jury of the said county of Dublin in two equal sums, one moiety at each presenting term, during his life, on proof to the grand jury from time to time that he is living.

XIX. That no office or employment under the said first-recited Act of the last Session of Parliament shall prevent the holder thereof from receiving any half pay to which, if he did not hold such office or employment, he might be or become entitled under any Act passed or hereafter to be passed, unless it shall be specially mentioned and provided in such Act that persons holding such appointments shall not receive half pay.

XX. That the Justices appointed and acting under the said recited Act, 48 Geo. 3. c. 140, or under any Act passed or to be passed for the regulation of the police district of Dublin metropolis, shall be and are hereby exempted and disqualified from being returned or serving on any juries or inquests whatsoever in the county or county of the city of Dublin.

And after reciting that there are many shops, rooms, cellars, and places of public resort, where thieves, prostitutes, and other disorderly persons assemble at night;—

It is Enacted,

XXI. That no shop, room, cellar, or place of public resort, where ready-made coffee, tea, or other liquors are sold or consumed, within the said police district, shall be kept open after the hour of eleven at night during any part of the year, nor open before the hour of four in the morning between Lady Day and Michaelmas, or before five in the morning between Michaelmas and Lady Day; and that no shop, room, cellar, or place of public resort, where any refreshments or any liquors not subject to any duties of Customs or Excise are consumed within the said police district, shall be kept open after the hour of one in the morning or before the hour of five in the morning; and if any such shop, room, cellar, or place shall be open within the hours hereinbefore respectively prohibited, or being shut up if any person shall during those hours respectively be found therein, except the persons actually dwelling there, or having lawful excuse for being there, or if gaming shall be at any time permitted or suffered therein, then the master, mistress, waiter, or other person having the care, government, or management of such shop, room, cellar, or place, whether he or she be the real owner or keeper thereof or not, shall forfeit and pay any sum not exceeding 10*l.* upon conviction of any such offence before any Justice of the Peace by confession or upon oath of one or more credible witness or witnesses; and if the party so convicted shall not immediately pay the said penalty, the Justice shall commit him or her to hard labour in the house of correction for any space of time not exceeding three months, unless the said penalty shall be sooner paid; and the said penalty when paid shall be distributed, one moiety to the informer, and the other moiety to the receiver of the police fund of the said district, for the purposes of the said Acts: Provided always, that nothing herein contained shall apply to or affect any house duly licensed for the sale of wines and spirituous liquors: and that no such conviction shall exempt the owner, keeper, or manager of any such shop, room, cellar, or place from any penalty or penal consequence whereto he or she may be liable for keeping a disorderly house.

XXII. That if any person shall within the said police district blow any horn or use any other noisy instrument for the purpose of hawking, selling, or distributing any article whatsoever, it shall be lawful for any constable, patrol, watchman, or other person to apprehend every person so offending, and convey him before any Justice of the Peace, who shall proceed to examine upon oath any witnesses appearing to give evidence touching such offence, and if the party accused shall be convicted of such offence, then and in every such case he shall for every such offence forfeit and pay any sum not exceeding 40*s.*; and in case the offender shall not upon conviction forthwith pay the penalty, such Justice is hereby required to commit such offender to the house of correction, there to be kept to hard labour for any time not exceeding ten days, unless the penalty shall be sooner paid.

And after reciting that accidents often happen and damage is frequently done in the streets and highways by the negligence or wilful misbehaviour of persons driving carriages or vehicles thereon, and the laws now in force have been found insufficient for the due protection of Her Majesty's subjects;—

It is Enacted,

XXIII. That if the driver of any carriage or vehicle of any kind whatsoever shall ride upon any such carriage or vehicle, or on any horse drawing the same, not having some person on foot or on horseback to guide the same (such carriages or vehicles as are commonly driven or conducted by some person holding the reins of the horse or horses excepted), or if the driver of any carriage or vehicle whatsoever, or any person riding, shall by negligence, wilful misbehaviour, or any other misconduct, cause any hurt or damage to any person or property being upon any street or highway, or if the driver of any carriage or vehicle whatever shall wilfully be at such distance from such carriage or vehicle that he cannot have the direction and government of any horse or horses or cattle drawing the same, not having employed some proper person to take care of the same, or shall, by negligence, wilful misbehaviour, or any other misconduct, interrupt the free passage of any other carriage or vehicle or of Her Majesty's subjects, or shall obstruct any street or highway, or any crossing therein, or the approach or access to any house or shop, and being required by any constable or peace officer to pass on or move shall continue to obstruct the same, every person so offending in any of the cases aforesaid within the said district, and being convicted by any Justice of the Peace of any such offence, either upon confession or by the oath of a credible witness, shall for every such offence forfeit any sum not exceeding 40*s.*; and in every case where any such hurt or damage shall have been caused as aforesaid shall further pay such a sum not exceeding 5*l.*, as shall appear to the said Justice to be a reasonable compensation, to the person so aggrieved or injured; and the evidence of such person shall be admitted in proof of the offence; Provided always, that if the person so aggrieved or injured shall have been the only witness examined in proof of the offence, such sum so ordered as compensation shall be paid and applied in the same manner as a penalty; and in default of payment of such penalty and of such compensation, if ordered, together with the costs attending such conviction, immediately or within such time as such Justice shall appoint, such Justice shall and may commit such offender to the common gaol or house of correction, to be there imprisoned for any term not exceeding two months, unless such penalty, together with the costs and compensation, if ordered shall be sooner paid; and every such offender shall and may by the authority of this Act, with or without any warrant, be apprehended by any person who shall see such offence committed, and shall be immediately conveyed or delivered to a constable or other peace officer, in order to be conveyed before some Justice of the Peace.

XXIV. That from and after the passing of this Act all the powers and authorities given to the Commissioners for paving and lighting the city of Dublin, or to any one or more of them, in and by an Act, 47 Geo. 3. sess. 2. c. 109, intituled, 'An Act for the more effectual Improvement of the City of Dublin and the Environs thereof,' or by any Act passed for the amendment thereof, for hearing and determining any complaint for any offence against the provisions of the said Acts or any of them, and for imposing any fine or penalty thereon, and for enforcing the same, and for summoning the parties and witnesses thereon, shall be transferred to and be solely exercised according to the forms and provisions of the said Acts by one or more of the said Divisional Justices at the public office of the division in which the matter of the said complaint shall have arisen; and all the powers given in and by the said Acts or any of them to any inspector, constable, or other person appointed by the said Commissioners for the removal or suppression of nuisances, or the apprehension of persons committing any offence, shall and may be exercised and put in force by all and every or any of the constables and sub-constables appointed or to be appointed under the said first-recited Act of the last session of Parliament in every street, lane, or other place within the said police district;

and every such constable or sub-constable shall for those purposes have all the powers, authorities, and privileges of the inspectors, constables, and other persons appointed or who may be appointed under the said Acts for the improvement of the said city by the said Commissioners.

xxv. That all fines and penalties recoverable under this Act, or under any other Act or Acts now in force or hereafter to be passed, and not otherwise directed by the said Acts to be applied, which may be adjudged or imposed by any Justice or Justices of the Peace within the said district, shall be paid to the receiver appointed under the said Act of the last Session of Parliament.

xxvi. That every conviction for any offence mentioned in this Act or in any of the said recited Acts, relating to the police of the district of Dublin metropolis, may be in the following form of words, or some other form of words to the like effect:

'County, &c. } BE it remembered, That on the Day of in the Year of our Lord at
'to wit. } A.B. is brought before me [or, having been duly summoned, has neglected to appear before
'me.] C.D. Esquire, one of Her Majesty's Justices of the Peace for the County of [or City or Place, as the Case
'may be,] and is charged before me the said Justice with having [here describe the Offence]; and it appearing to me the said
'Justice, upon the Confession of him the said A.B. [or upon the Oath of a credible Witness, as the Case may be,] that the said
'A.B. is guilty of the said Offence, I do therefore adjudge the said A.B. [insert the Adjudication of the Justice]. Given under
'my Hand and Seal the Day and Year first above written.'

xxvii. That no such conviction shall be quashed or set aside, or adjudged void or insufficient, for want of form, nor shall the same be removed by certiorari into Her Majesty's Court of Queen's Bench; but that in all cases where the penalty shall exceed the sum of 5*l.* or one month's imprisonment, if any person shall think himself or herself aggrieved by such conviction, such person may appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be held for the county or city wherein the cause of complaint shall have arisen, such person at the time of his or her conviction entering into a recognizance with two sufficient sureties conditioned personally to appear at the said Sessions to try such appeal, and to abide the further judgment of the Justices at such Sessions assembled; and it shall be lawful for the Justice before whom such conviction has taken place to bind over the witnesses who shall have been examined in proof of such offence in sufficient recognizances to attend and be examined at the hearing of such appeal; and that every such witness, on producing a certificate of his being so bound over under the hand of such Justice, shall be allowed compensation for his time and trouble and expenses in attending such appeal, which compensation shall be paid by the treasurer of the county in like manner as in cases of felony, according to and under the provision of an Act passed in the last Session of Parliament, intituled, 'An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland:' Provided always, that in case such appeal shall be dismissed and such conviction affirmed, the reasonable expenses of all such witnesses attending as aforesaid, to be ascertained by the Court, shall be paid by the appellant or appellants, and the recognizance or recognizances so entered into as aforesaid shall be estreated, unless such expenses are so paid by such appellant or appellants.

xxviii. That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

xxix. That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

SCHEDULE to which this Act refers.

Boundary of the Dublin Police District.

From the Sea Beach, opposite the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merriam Burying Ground; along the Boundary Line between said Barony and the County of the City of Dublin to the Bridge over the Dodder at Donnybrook; thence along the left Bank of said River Dodder to the Junction of the Baronies of Uppercross and Newcastle, near Cypress Grove; and thence along the boundary Line between the Baronies of Newcastle and Uppercross to the Third Lock from Dublin, on the Grand Canal, near Golden Bridge; thence in a direct Line to the Bridge over the River Anna Liffey at Chapelizod; and from the said Bridge along the left Bank of said River Anna Liffey to the Ferry at the Bottom of Knockmaroon Hill; thence along the Line of Road over Knockmaroon Hill to the Entrance of the Phoenix Park at Knockmaroon Gate; thence by the Wall of the Phoenix Park to Ashtown Lodge at the Back of the Under Secretary's House; from thence by the most direct Road over Longford Bridge on the Royal Canal to the Tolka River; and thence along the said River till it falls into the Sea at Annesley Bridge; thence by the Sea Line to the Lighthouse at the Termination of the North Wall; from thence across the River Liffey by a direct line to the Lighthouse at the Termination of the South Wall; and from thence by the Low-water Mark to the Sea Beach opposite the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merriam Churchyard, as above described.

CAP. XXVI.

AN ACT for the Amendment of the Laws with respect to Wills.

(3rd July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Meaning of certain words in this Act;—"Will;"—"Real estate;"—"Personal estate;"—Number;—Gender.*
2. *Repeal of the Statutes of Wills, 32 Hen. 8. c. 1. and 34 & 35 Hen. 8. c. 5;—10 Car. 1. sess. 2. c. 2. (I.)—Sec. 5, 6, 12, 19, 20, 21, & 22, of the Statute of Frauds, 29 Car. 2. c. 3; 7 Will. 3. c. 12 (I.)—Sec. 14 of 4 & 5 Anne, c. 16;—6 Anne c. 10. (I.)—Sec. 9. of 14 Geo. 2. c. 20;—25 Geo. 2. c. 6. (except as to colonies.)—25 Geo. 2. c. 11. (I.)—55 Geo. 3. c. 192.*

3. All property may be disposed of by will,—comprising customary freeholds and copyholds without surrender and before admittance, and also such of them as cannot now be devised;—Estates pur autre vie;—contingent interests;—Rights of entry; and property acquired after execution of the will.
4. As to the fees and fines payable by devisees of customary and copyhold estates.
5. Wills or extracts of wills of customary freeholds and copyholds to be entered on the court rolls;—and the lord to be entitled to the same fine, &c. when such estates are not now devisable as he would have been from the heir in case of descent.
6. Estates pur autre vie.
7. No will of a person under age valid.
8. Nor of a feme covert, except such as might now be made.
9. Every will shall be in writing, and signed by the testator in the presence of two witnesses at one time.
10. Appointments by will to be executed like other wills, and to be valid, although other required solemnities are not observed.
11. Soldiers and mariners wills excepted.
12. Act not to affect certain provisions of 11 Geo. 4. & 1 Will. 4. c. 20. with respect to wills of petty officers and seamen and marines.
13. Publication not to be requisite.
14. Will not to be void on account of incompetency of attesting witness.
15. Gifts to an attesting witness to be void.
16. Creditor attesting to be admitted a witness.
17. Executor to be admitted a witness.
18. Will to be revoked by marriage.
19. No will to be revoked by presumption.
20. No will to be revoked but by another will or codicil, or by a writing executed like a will, or by destruction.
21. No alteration in a will shall have any effect unless executed as a will.
22. No will revoked to be revived otherwise than by re-execution or a codicil to revive it.
23. A devise not to be rendered inoperative by any subsequent conveyance or act.
24. A will shall be construed to speak from the death of the testator.
25. A residuary devise shall include estates comprised in lapsed and void devises.
26. A general devise of the testator's lands shall include copyhold and leasehold as well as freehold lands.
27. A general gift shall include estates over which the testator has a general power of appointment.
28. A devise without any words of limitation shall be construed to pass the fee.
29. The words "die without issue," or "die without leaving issue," shall be construed to mean die without issue living at the death.
30. No devise to trustees or executors, except for a term or a presentation to a church, shall pass a chattel interest.
31. Trustees under an unlimited devise, where the trust may endure beyond the life of a person beneficially entitled for life, to take the fee.
32. Devises of estates tail shall not lapse.
33. Gifts to children or other issue who leave issue living at the testator's death shall not lapse.
34. Act not to extend to wills made before 1838, nor to estates pur autre vie of persons who die before 1838.
35. Act not to extend to Scotland.
36. Act may be altered this session.

By this Act, it is Enacted,

1. That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Will" shall extend to a testament, and to a codicil, and to an appointment by will or by writing in the nature of a will in exercise of a power, and also to a disposition by will and testament or devise of the custody and tuition of any child, by virtue of an Act, 12 Car. 2. c. 24, intituled, 'An Act for taking away the Court of Wards and Liveries, and Tenures in capite and by Knights Service, and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof,' or by virtue of an Act, 14 & 15 Car. 2. (1.), intituled, 'An Act for taking away the Court of Wards and Liveries, and Tenures in capite and by Knights Service,' and to any other testamentary disposition; and the words "Real Estate" shall extend to manors, advowsons, messuages, lands, titles, rents, and hereditaments, whether freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "Personal Estates" shall extend to leasehold estates and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the single number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

11. That an Act, 32 Hen. 8. c. 1, intituled, 'The Act of Wills, Wards, and Primer Seisins, whereby a Man may devise two Parts of his Land'; and also an Act, 34 & 35 Hen. 8. c. 5, intituled, 'The Bill concerning the Explanation of Wills'; and also an Act, 10 Car. 1. sess. 2. c. 2. (1.), intituled, 'An Act how Lands, Tenements, etc. may be disposed by Will or otherwise, and concerning Wards and Primer Seisins'; and also so much of an Act, 29 Car. 2. c. 3, intituled, 'An Act for Prevention of Frauds and Perjuries,' and of an Act, 7 Will. 3. c. 12. (1.), intituled, 'An Act for Prevention of Frauds and Perjuries,' as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements, or hereditaments, or any clause thereof, or to the devise of any estate pur autre vie, or to any such estate being assets, or to nuncupative wills, or to the repeal, altering, or changing of any will in writing concerning any goods or chattels or personal estate, or any clause, devise, or bequest therein; and also so much of an Act, 4 & 5 Anne, c. 16, intituled, 'An

Act for the Amendment of the Law and the better Advancement of Justice,' and of an Act, 6 Anne, c. 10. (L), intituled, 'An Act for the Amendment of the Law and the better Advancement of Justice,' as relates to witnesses to nuncupative wills; and also so much of an Act, 14 Geo. 2. c. 20, intituled, 'An Act to amend the Law concerning Common Recoveries, and to explain and amend an Act made in the Twenty-ninth Year of the Reign of King Charles the Second, intituled, "An Act for Prevention of Frauds and Perjuries,"' as relates to estates *pur autre vie*; and also an Act, 25 Geo. 2. c. 6, intituled, 'An Act for avoiding and putting an end to certain Doubts and Questions relating to the Attestation of Wills and Codicils concerning Real Estates in that Part of Great Britain called England, and in His Majesty's Colonies and Plantations in America, except so far as relates to His Majesty's colonies and plantations in America;' and also an Act, 25 Geo. 2. c. 11. (I.), intituled, 'An Act for the avoiding and putting an end to certain Doubts and Questions relating to the attestation of Wills and Codicils concerning Real Estates; and also an Act, 55 Geo. 3. c. 192, intituled, 'An Act to remove certain Difficulties in the Disposition of Copyhold Estates by Will,' shall be and the same are hereby repealed, except so far as the same Acts or any of them respectively relate to any wills or estates *pur autre vie* to which this Act does not extend.

III. That it shall be lawful for every person to devise, bequeath, or dispose of, by his will executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which if not so devised, bequeathed, or disposed of would devolve upon the heir at law, or customary heir of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all real estate of the nature of customary freehold or tenant right, or customary or copyhold, notwithstanding that the testator may not have surrendered the same to the use of his will, or notwithstanding that, being entitled as heir, devisee, or otherwise to be admitted thereto, he shall not have been admitted thereto, or notwithstanding that the same, in consequence of the want of a custom to devise or surrender to the use of a will or otherwise, could not at law have been disposed of by will if this Act had not been made, or notwithstanding that the same, in consequence of there being a custom that a will or a surrender to the use of a will should continue in force for a limited time only, or any other special custom, could not have been disposed of by will according to the power contained in this Act, if this Act had not been made; and also to estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be freehold, customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether the same shall be a corporeal or an incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken and other rights of entry; and also to such of the same estates, interests, and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

IV. Provided always, That where any real estate of the nature of customary freehold or tenant right, or customary or copyhold, might, by the custom of the manor of which the same is holden, have been surrendered to the use of a will, and the testator shall not have surrendered the same to the use of his will, no person entitled or claiming to be entitled thereto by virtue of such will shall be entitled to be admitted, except upon payment of all such stamp duties, fees, and sums of money as would have been lawfully due and payable in respect of the surrendering of such real estate to the use of the will, or in respect of presenting, registering, or enrolling such surrender, if the same real estate had been surrendered to the use of the will of such testator: Provided also, that where the testator was entitled to have been admitted to such real estate, and might, if he had been admitted thereto, have surrendered the same to the use of his will, and shall not have been admitted thereto, no person entitled or claiming to be entitled to such real estate in consequence of such will shall be entitled to be admitted to the same real estate by virtue thereof, except on payment of all such stamp duties, fees, fine, and sums of money as would have been lawfully due and payable in respect of the admittance of such testator to such real estate, and also of all such stamp duties, fees, and sums of money as would have been lawfully due and payable in respect of surrendering such real estate to the use of the will, or of presenting, registering, or enrolling such surrender, had the testator been duly admitted to such real estate, and afterwards surrendered the same to the use of his will; all which stamp duties, fees, fine, or sums of money due as aforesaid shall be paid in addition to the stamp duties, fees, fine, or sums of money due or payable on the admittance of such person, so entitled or claiming to be entitled to the same real estate as aforesaid.

V. That when any real estate of the nature of customary freehold or tenant right, or customary or copyhold, shall be disposed of by will, the lord of the manor or reputed manor of which such real estate is holden, or his steward, or the deputy of such steward, shall cause the will by which such disposition shall be made, or so much thereof as shall contain the disposition of such real estate, to be entered on the court rolls of such manor or reputed manor; and when any trusts are declared by the will of such real estate, it shall not be necessary to enter the declaration of such trusts, but it shall be sufficient to state in the entry on the court rolls that such real estate is subject to the trusts declared by such will; and when any such real estate could not have been disposed of by will if this Act had not been made, the same fine, heriot, dues, duties, and services shall be paid and rendered by the devisee as would have been due from the customary heir in case of the descent of the same real estate, and the lord shall as against the devisee of such estate have the same remedy for recovering and enforcing such fine, heriot, dues, duties, and services as he is now entitled to for recovering and enforcing the same from or against the customary heir in case of a descent.

VI. That if no disposition by will shall be made of any estate *pur autre vie* of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of freehold land in fee simple; and in case there shall be no special occupant of any estate *pur autre vie*, whether freehold or customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party that had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator either by reason of a special occupancy or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate.

VII. That no will made by any person under twenty-one years shall be valid.

VIII. Provided also, That no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

IX. That no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned; (that is to say,) it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction; and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

X. That no appointment made by will, in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

XI. Provided always, That any soldier being in actual military service, or any mariner or seamen being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XII. That this Act shall not prejudice or affect any of the provisions contained in an Act, 11 Geo. 4. & 1 Will. 4. c. 20, intituled, 'An Act to amend and consolidate the Laws relating to the Pay of the Royal Navy,' respecting the wills of petty officers and seamen in the Royal Navy, and non-commissioned officers of marines, and marines, so far as relates to their wages, pay, prize money, bounty money, and allowances, or other monies payable in respect of services in Her Majesty's Navy.

XIII. That every will executed in manner hereinbefore required shall be valid without any other publication thereof.

XIV. That if any person who shall attest the execution of a will shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XV. That if any person who shall attest the execution of any will to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment, of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts), shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

XVI. That in case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged, shall attest the execution of such will, such creditor notwithstanding such charge shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XVII. That no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XVIII. That every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, customary heir, executor, or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XIX. That no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XX. That no will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

XXI. That no obliteration, interlineation, or other alteration made in any will after the execution thereof shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as is hereinbefore required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XXII. That no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and shewing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shewn.

XXIII. That no conveyance or other act made or done subsequently to the execution of a will of or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by will at the time of his death.

XXIV. That every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

XXV. That, unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXVI. That a devise of the land of the testator, or of the land of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a customary, copyhold, or leasehold estate if the testator had no freehold estate which could be described by it, shall be construed to include the customary, copyhold, and leasehold estates of the testator, or his customary, copyhold, and leasehold estates, or any of them, to which such description shall extend, as the case may be, as well as freehold estates, unless a contrary intention shall appear by the will.

XXVII. That a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal property described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXVIII. That where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIX. That in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift, being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise: Provided, that this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXX. That where any real estate (other than or not being a presentation to a church) shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

XXXI. That where any real estate shall be devised to a trustee, without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

XXXII. That where any person to whom any real estate shall be devised for an estate tail or an estate in quasi entail shall die in the lifetime of the testator leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXXIII. That where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXXIV. That this Act shall not extend to any will made before the 1st of January 1838, and that every will re-executed or republished, or revived by any codicil, shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, republished, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the 1st of January 1838.

XXXV. That this Act shall not extend to Scotland.

XXXVI. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. XXVII.

AN ACT for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-eight, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-seven.

(3rd July 1837.)

By this Act,

- I. The duties imposed by 6 & 7 Will. 4. c. 26. are continued till 5th July 1838.
- II. Duties to be collected in like manner as if continued by recited Act.
- III. Her Majesty may allow the importation of sugar the growth of certain British possessions.
- IV. Separate accounts to be kept in the Exchequer of the duties arising in Great Britain. Duties arising in Ireland to be paid into Exchequer there.
- V. The Treasury may direct Exchequer Bills to be made out not exceeding 5,000,000*l.*, according to the rules prescribed by 48 Geo. 3. c. 1.
- VI. Powers of 48 Geo. 3. c. 1. extended to this Act.
- VII. Exchequer Bills to bear an interest not exceeding 4 per cent.
- VIII. Bank of England may advance money on credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- IX. Bills to be delivered to Bank of England as security for advances.
- X. Exchequer bills to be charged on the duties granted by this Act.
- XI. Money due to be paid out of next aids.
- XII. Surplus monies to be carried to Consolidated Fund.
- XIII. Treasury to allow necessary charges of making forth new Exchequer Bills.
- XIV. Monies issued to be replaced out of first supplies.
- XV. Act may be altered.

CAP. XXVIII.

AN ACT to amend an Act of the Third and Fourth Years of His late Majesty, for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.

(3rd July 1837.)

By this Act,

After reciting that doubts have been entertained as to the effect of a certain Act of Parliament, 3 & 4 Will. 4. c. 27, intituled, 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto,' so far as the same relates to mortgages; and it is expedient that such doubts should be removed:

It is Declared and Enacted,

That it shall and may be lawful for any person entitled to or claiming under any mortgage of land, being land within the definition contained in the first section of the said Act, to make an entry or bring an action at law or suit in equity to recover such land at any time within twenty years next after the last payment of any part of the principal money or interest secured by such mortgage, although more than twenty years may have elapsed since the time at which the right to make such entry or bring such action or suit in equity shall have first accrued, anything in the said Act notwithstanding.

CAP. XXIX.

An Act for enabling Her Majesty to grant the Rank of General Officers to Foreigners now bearing Her Majesty's Commission, and to permit the Enlistment of Foreigners under certain Restrictions.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Foreigners bearing Her Majesty's commission may be promoted to the rank of general officers.*
2. *Foreigners may enlist or serve in the proportion of one to fifty.*

By this Act,

After reciting that by an Act, 55 Geo. 3. c. 85, intituled, 'An Act to amend and continue for One Year, and until Twelve Months after the Termination of the present War by the Ratification of a definitive Treaty of Peace, Two Acts of His present Majesty, for enabling Subjects of Foreign States to enlist and serve as Soldiers in His Majesty's Service; and to enable His Majesty to grant Commissions to Subjects of Foreign States to serve as Officers, under certain Restrictions,' it is provided, that nothing in that Act contained should extend to any officer not being a natural-born subject of His Majesty, or entitled to the rights and privileges of a natural-born subject of His Majesty, who should at the time of the passing of that Act hold any commission in any other regiment, battalion, or corps in His Majesty's service than in the said recited Act specified, or to prevent any such officer from continuing to hold such commission, or to accept and receive any higher regimental commission in any regiment, battalion, or corps of His Majesty's forces; and that it hath been doubted whether the said Act may not extend to prevent Her Majesty from granting to any such officer any higher or other rank or commission than a regimental commission, and it is expedient that such doubts be removed;—

It is Enacted,

I. That it shall be lawful for Her Majesty, if she shall think fit, to grant to any officer not being a natural-born subject of Her Majesty, but who at the time of passing the said recited Act held Her Majesty's commission in any such other regiment, battalion, or corps of Her Majesty's forces, and was allowed to retain the same under the provisions of this first-recited Act, the rank and commission of Colonel, Major General, Lieutenant General, or General, as to Her Majesty shall seem fit, with the pay, emoluments, allowances, and advances belonging to the rank so granted.

II. That it shall be lawful for Her Majesty to signify her consent, by the Secretary at War, that any person not being a natural-born subject or entitled to the privileges of a natural-born subject of Her Majesty may enlist or serve as a soldier in Her Majesty's service, provided that the number of foreigners serving together at any one time in any regiment, battalion, or corps shall not exceed the proportion of one foreigner for every fifty natural-born subjects or men entitled to the privileges of natural-born subjects; and every foreign soldier for whom Her Majesty's consent shall have been so obtained shall be taken to have been legally enlisted and to be legally serving: Provided also, that no such soldier shall be capable of holding any higher rank in Her Majesty's forces than that of a non-commissioned officer.

CAP. XXX.

AN ACT to abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Certain offices in the Courts of Queen's Bench, Common Pleas, and Exchequer abolished.*
2. *Clerk of Errors in the Court of Exchequer Chamber abolished.*
3. *Certain persons appointed as Masters or principal officers of the said Courts.*
4. *Henry Betoward Ray, Esq. to be first Master of the Common Pleas.*
5. *Masters of the said Courts to perform all the duties and exercise all the powers and authorities of the officers abolished by this Act.*
6. *Commissioners of Her Majesty's Treasury empowered to direct the drawing up a table of fees.*
7. *Records, &c. of abolished offices transferred to the Masters; and searches may be made and copies taken as heretofore.*
8. *Certain officers whose offices are abolished to pay over to Masters under this Act all balances of suitors' money in their hands, to be by such Masters paid into the Bank of England.*
9. *All monies deposited in court by suitors at or after the commencement of this Act, to be paid into the Bank of England, and drawn out by the order of two or more of the Masters of each Court.*
10. *The Lord Chief Justices or the Lord Chief Baron of the said Courts respectively to appoint to future vacancies in the office of Masters.—Proviso.*
11. *A certificate of the necessity of filling up each vacancy to be made previous to appointment as herein directed.*
12. *The necessary clerks and messengers in the Master's office to be appointed by the Masters;—a preference being given to those persons who are now employed in the said Courts.*
13. *Appointments to be made without any pecuniary consideration; the Masters during good behaviour, and the clerks and messengers during pleasure.*
14. *In case of sickness or other reasonable cause the duties of the Masters may be performed by deputy.*
15. *Masters, clerks, and messengers, not to act as barristers, attorneys, or agents.*
16. *Salaries of the Masters fixed.*
17. *Salaries of clerks and messengers to be fixed by the Lord Chief Justices or Lord Chief Baron of the Courts respectively and the Lords of the Treasury.*
18. *Salaries of Masters, &c. and expenses of offices to be paid out of the fees, if sufficient; but if not, deficiency to be charged upon the Consolidated Fund; and surplus of fees to be paid into that fund.*
19. *Masters, clerks, and messengers not to take gratuities on pain of dismissal.*
20. *Masters to keep books of account, and render accounts quarterly to Treasury.*
21. *Allowance to Masters and other officers on their retirement from office.*

22. *No compensation allowed for loss of right of appointment.*
 23. *Masters empowered and required to tax costs indiscriminately in the said Courts.*
 24. *Treasury empowered to grant compensation to certain persons for the loss of the sale of and appointment to offices abolished by this Act.*
 25. *Treasury empowered to grant compensation to certain officers of the Court of Common Pleas who were in office prior to 24th of May 1830.*
 26. *Persons whose offices are abolished to receive full amount of compensation under 11 Geo. 4. & 1 Will. 4. c. 58, until the Treasury shall otherwise determine under the provision of that Act.*
 27. *In fixing compensation regard to be had to the nature of the offices abolished.*
 28. *Clerk of the Warrants in Court of Common Pleas and Master or Secondary of the Court of Queen's Bench continued in the office of registers of deeds in Middlesex, notwithstanding the abolition of their offices in the courts of law.*
 29. *Act may be altered this session.*

By this ACT,

After reciting that in Her Majesty's superior courts of common law at Westminster there are many officers whose duties have wholly or in part ceased, or are executed by deputy, and whose offices have become by changes in the law useless, and inapplicable to the present practice and proceedings in those courts, though the fees in such offices continue payable by the suitors as heretofore: And that by 11 Geo. 4. & 1 Will. 4. c. 58. the net annual value of certain of such offices has been ascertained, and the persons who were the holders thereof prior to the 24th of May 1830 are compensated in manner and form by that statute pointed out: And that the continuance of sinecure and useless offices tends to impair the effective administration of justice, and to cast upon the public and the suitors in those courts unnecessary burthens and costs; and that it is expedient to abolish the said offices, and to make provision for a more uniform and effective establishment of officers in each of the superior courts of common law;—

It is Enacted,

I. That from and after the 1st of January 1838 the offices mentioned in the Schedule to this Act annexed, marked (A.), on the plea side of the Courts of Queen's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

And after noticing that the duties of the Clerk of Errors in the Court of Exchequer Chamber are so much diminished as to render it inexpedient any longer to continue a separate office for the performance thereof;—

It is Enacted,

II. That from and after the 1st of January 1838 the said office of Clerk of the Errors in the Court of Exchequer Chamber shall be and the same is hereby abolished; and all acts, duties, and services now and heretofore done, performed, and rendered by the said officer shall continue to be done, performed, and rendered by the Masters of the respective Courts from which error is brought, or any one or more of them; and such acts, duties, and services when so done, performed, and rendered by the said Masters, or their successors, or any one or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the said Clerk of Errors in the Court of Exchequer Chamber, by virtue of or in right of his office, shall be exercised by the said Masters, or any one or more of them.

III. That from and after the said 1st of January 1838 there shall be in each of the said Courts respectively, to conduct the civil business thereof, five principal officers, and no more, to be called respectively the Masters of each of the said Courts; and the persons mentioned in the Schedule to this Act annexed, marked (B.), shall be and the same are hereby appointed and declared to be such Masters in each of the said Courts respectively.

IV. Provided always, That Henry Belward Ray Esquire shall hold and enjoy the said appointment or office of First Master of the Court of Common Pleas during the same term, and with and under and subject to the same estate, title, and tenure, as he heretofore held the office of Prothonotary of the Court of Common Pleas, and with all and every the incidents, rights, powers, authorities, and privileges which heretofore belonged, were attached, or incident to the said office, except so far as is specifically enacted by this Act, or so far as such rights, powers, authorities, or privileges may be incompatible or inconsistent with the enactments herein contained, or any of the duties or obligations hereby imposed.

V. That from and after the said 1st of January 1838 all acts, duties, and services now and heretofore done, performed, and rendered by the said officers abolished by this Act, or any of them, in their respective offices in the said Courts, shall continue to be done, performed, and rendered by the Masters hereby appointed in each of those Courts, or their successors, or any one or more of them; and such acts, duties, and services, when so done, performed, and rendered by the said Masters, or their successors, or any one or more of them, shall be good and valid in law, to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the officers so abolished as aforesaid, or any of them, by virtue of or in right of any office by them held in either of the said Courts, shall be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively, or by any one or more of them.

And after reciting that it is expedient that a new table or tables of the fees proper to be taken in the superior courts of common law at Westminster should be prepared with reference to the various changes and alterations which have taken place in the process, practice, and proceedings of those Courts, and to the diminution of expense, where practicable, to the suitors: And that by 3 Geo. 4. c. 69. it was enacted, that it should be lawful for any three or more of the Judges of the Courts of King's Bench, Common Pleas, Exchequer, and Exchequer Chamber respectively, to establish and ordain, by their discretion, tables of fees to be thereafter taken by the several officers, clerks, and ministers of the same respective Courts, and by the clerks and officers of the Judges thereof respectively, and that the fees so established and ordained should be deemed and taken to be the lawful fees of such officers, clerks, and ministers respectively: And that, owing to the numerous and important duties

and avocations of the said Judges, no such regulations respecting fees have yet been or are likely to be made, but the ancient and unsuitable fees still continue to be taken from the suitors in the said Courts;—

It is Enacted,

vi. That it shall and may be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to direct and instruct the Commissioners appointed under the before-recited Act, 11 Geo. 4. & 1 Will. 4. c. 58, or such of them as they may think proper, forthwith to prepare and draw up a table or tables of the fees proper to be demanded and taken in the superior courts of common law, to be laid for their approval before the Judges of the said Courts; and the said Judges are hereby empowered and required, before the 1st of January 1838, to revise the said table or tables of fees so prepared as aforesaid, and to add to, or reduce, alter, or amend the same, as they may deem necessary and proper, and the said table or tables of fees so revised and corrected as aforesaid to allow and sanction, by affixing their signatures respectively thereto, and to establish the same in and for the said Courts; which tables of fees shall be entered or enrolled in the public books or records of the Courts to which they respectively relate, in such manner as the Judges of the said courts shall think fit; and the fees so established and ordained, and no other, shall, from and after the said 1st of January 1838, be deemed and taken to be the lawful fees to be thenceforth demanded, received, and taken in the said courts respectively.

vii. That all the records, books, papers, and documents of and concerning the duties and business of the several offices of the Courts of Queen's Bench, Common Pleas, and Exchequer, so abolished as aforesaid, shall, on or before the said 1st of January 1838, be delivered by the several officers of the said courts respectively now having the custody of the same into the custody and possession of the Masters of the said courts respectively appointed or to be appointed under or by virtue of this Act, to be by them kept and preserved; and searches may be made, and copies or extracts of and from the said records, books, papers, and documents shall and may be had and taken, at such times and in such manner as hath been the accustomed practice in the several offices hereby abolished; and all such copies or extracts signed and authenticated by one or more of the said Masters of the said courts respectively shall be as available in evidence and as valid and effectual to all intents and purposes as if the same had been signed, authenticated, and given by the officers whose offices are hereby abolished, or any of them, subject nevertheless, to such rules, orders, and regulations as the said Courts shall or may from time to time make or ordain in respect of the same.

viii. That the chief clerk of the Court of Queen's Bench, the Prothonotaries of the Court of Common Pleas, and the Masters and Prothonotaries of the Court of Exchequer, whose offices are abolished by this Act, shall and they are hereby required, on or before the said 1st of January 1838, to pay over to the Masters of the said Courts respectively appointed by this Act all and every the sum and sums of money which shall at any time theretofore have been paid into the said respective Courts by or on behalf of suitors, to abide the event of any suit, or for any purpose whatsoever, and which shall then remain unclaimed and undisposed of in the hands and possession of the said chief clerk of the Court of Queen's Bench, or the said Prothonotaries of the Court of Common Pleas, or the said Masters and Prothonotaries of the Court of Exchequer; and the said last-mentioned officers respectively shall and they are hereby required, at the time of their paying over the said monies to the Masters of the said Courts respectively as aforesaid, to render to such Masters an account thereof, shewing the precise amount paid into court in each action, the names of the plaintiff and defendant, and of their attorneys, and the time when, and by whom, and the purpose, so far as the same can be ascertained, for which the said amount was so paid in, which account the said Masters shall cause to be entered in books to be kept in their offices respectively for that purpose; and the Masters of the said courts respectively shall and they are hereby required immediately after the receipt of such sum or sums of money to pay the same into the Bank of England to an account to be opened by the Masters of the said courts respectively in the books of the Governor and Company of that Bank, to be called the "Account of the Suitors Fund of the Court of Queen's Bench, Common Pleas or Exchequer," as the case may be, which accounts respectively the Governor and Company of the Bank of England are hereby authorized and required to open in their books accordingly.

ix. That from and after the said 1st of January 1838 the Masters of the said courts respectively shall cause all and every sum or sums of money paid into the said courts by or on the behalf of the suitors in either of those courts, to abide the event of the suit, or for any other purpose whatsoever, to be entered in proper books to be kept for that purpose, and shall as soon as conveniently may be pay all and every such sum or sums of money into the Bank of England to the credit of their respective accounts of the Suitors Fund to be opened as aforesaid; and the Masters of the said courts respectively, or any two or more of them, shall and they are hereby authorized and required to draw on the said Governor and Company of the Bank of England for any sum or sums of money so paid in as aforesaid, at the commencement of this Act or afterwards, which the Masters of the said courts respectively may require for the purposes of any suit pending in their respective courts; and the said Governor and Company of the Bank of England are hereby authorized and required to pay all such sums of money as may be so drawn for by any order signed by the Masters of the said courts respectively, or any two or more of them.

x. That when and so often as any vacancy shall occur in any of the said offices of Master in either of the said superior courts of common law, by death, resignation, or otherwise, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the court in which such vacancy shall occur to nominate and appoint some fit and proper person to fill such vacant office, such person being a barrister in actual practice of not less than five years standing at the bar, or who shall have practised as a pleader for not less than five years, or an admitted attorney in all or any one of those courts in actual practice of not less than five years standing on the rolls of such court, or who shall have served as officers or clerks in either of the said offices hereby abolished, or as clerks in either of the offices of the said Masters, or as both, for not less than five years in the whole: Provided always, that nothing herein contained shall extend or be construed to extend to affect the rights of appointment of certain of the Masters on the plea side of the Court of Exchequer, now vested in William Stewart Rose Esquire under and by virtue of an Act, 2 & 3 Will. 4. c. 110, intituled, 'An Act for the better Regulation of the Duties to be performed by the Officers on the Plea Side of the Court of Exchequer.'

XI. Provided also, That upon the death, resignation, or removal of either of the Masters of the said courts appointed by this Act, the Lord Chief Justice or Lord Chief Baron in whose court the vacancy shall occur shall not be at liberty to fill up such vacancy unless it shall be certified in writing to the Commissioners of Her Majesty's Treasury, under the hand of such Lord Chief Justice or Lord Chief Baron, that, after minute inquiry, it appears to the said Lord Chief Justice or Lord Chief Baron, and to the other Judges of their respective Courts, that it is absolutely necessary for the efficient and satisfactory conduct of the business of the Court that the full number of five Masters in such court should be retained; and such certificate shall forthwith be laid before both houses of Parliament, if Parliament shall be then sitting, if not, within seven days after the assembling thereof; and no such appointment of any such Master shall take place by such Lord Chief Justice or Lord Chief Baron until ten days after such certificate shall have been so laid before both houses of Parliament as aforesaid, anything in this Act to the contrary notwithstanding.

XII. That from and after the said 1st of January 1838 the Masters of each of the said courts hereby appointed, and their successors, shall and may, in and for the discharge of the duties of their offices, have so many clerks and messengers as the Lord Chief Justice or Lord Chief Baron of the court for the time being to which such Masters respectively belong shall determine to be necessary and proper; and all such clerks and messengers shall and may be appointed by the majority of the Masters of the said courts respectively, with the sanction and approval of the Lord Chief Justice or Lord Chief Baron of the court to which such Masters shall belong: Provided always, that so many of the persons who now hold any office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such clerks and messengers, if they shall be found willing and competent to execute the duties required of them, in preference to any persons who shall not have held such abolished offices or been so employed prior to the passing of this Act.

XIII. That all such appointments of Masters, clerks, or messengers to be made by virtue of this Act shall be so made by the Lord Chief Justice or Lord Chief Baron, or by the Masters of the said courts respectively, without any pecuniary or other consideration whatsoever, directly or indirectly, to be paid or received for the same; and the persons appointed or to be appointed as such Masters by virtue of this Act shall hold their offices during the good behaviour of the persons so appointed; and the persons to be appointed by virtue of this Act as such clerks and messengers shall hold their offices or situations during pleasure; and all such Masters, clerks, and messengers shall execute their duties in person, and shall give their attendance in court or elsewhere, and shall conduct the business of their several departments or offices at such places and hours, whether in term time or vacation, and in every respect in such manner as the Lord Chief Justice or the Lord Chief Baron and the other Justices and Barons of the said courts respectively shall from time to time order and direct.

XIV. Provided always, That if either of the said Masters shall from sickness, or other unavoidable cause, have occasion to be absent from the business of his office for a longer period than two months at any one time, then and in every such case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the time being of the court to which such Master shall belong to give leave of absence, by his order in writing, to such officer, and, if necessary, to appoint a deputy in his place during such time as shall be expressed in such order, and the name of such deputy, and also the cause and time of such absence, shall be stated in such order; and such deputy may, if occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every deputy so appointed shall be paid by the principal for whom he shall act such remuneration for his services as the said Lord Chief Justice or Lord Chief Baron shall direct in such order, not being in any case less than one-third of the amount hereinafter fixed and settled as the salary of the office of a Master of the said courts respectively.

XV. That no person holding such office of Master in any of the said superior courts, or being a clerk or messenger in any of the said Master's offices, shall either directly or indirectly act as a barrister, attorney, or solicitor, or as agent of any attorney or solicitor, in any court of law or equity in the United Kingdom, either separately or in partnership with any other, during such time as he shall hold such office of Master or act as such clerk or messenger: Provided always, that nothing in this Act contained shall operate to prevent any attorney or solicitor, or agent of any attorney or solicitor, now practising in any court of law or equity, and employed in any office abolished by this Act, and who may be appointed to act as clerk or messenger under this Act, from continuing to practise as such attorney, solicitor, or agent notwithstanding such appointment.

XVI. That the Masters of the said Courts of Queen's Bench, Common Pleas, and Exchequer respectively shall receive, by way of salary, for performing the duties of their respective offices, the sum of 1,200*l.* per annum each, to commence and be computed from the 1st of January 1838, and to be paid and be payable quarterly, namely, on the 31st of March, the 30th of June, the 30th of September, and the 31st of December in every year, together with a proportional part of such annual sum for the term which at the decease of the person entitled thereto shall have elapsed since the last payment thereof: Provided always, that those persons appointed by this Act or who may be hereafter appointed as such Masters, and who are now entitled to and are in the receipt of compensation allowance awarded to them under the provisions of 11 Geo. 4. & 1 Will. 4. c. 58, intituled, 'An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law,' exceeding the salary of 1,200*l.* per annum, shall continue to receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold the office of Master as aforesaid; and in cases wherein the compensation allowance under the said Act is less than the salary hereby granted to the Masters of the said Courts respectively, such compensation allowance shall merge and be considered as part of and included in the said salary of 1,200*l.* per annum: Provided always, that nothing herein contained shall extend or be construed to extend to deprive Stephen Richards, Kenrick Collett, Thomas Dax, Edmund Walker, and George Chilton, Esquires, the present principal officers on the Plea Side of the Court of Exchequer, of the amount of official income and salary which they are now in the receipt of respectively, so long as they shall hold the office of Masters under this Act, but that the said persons shall continue in the enjoyment of the same official income by way of salary which they now respectively receive during all the time they respectively hold such offices of Masters under this Act.

XVII. That the clerks and messengers who shall be appointed as hereinbefore directed to discharge the duties of the offices of the Masters of the said Courts respectively shall receive by way of salary for the performances of the said duties such annual sum as the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively, and the Commissioners of Her Ma-

jesty's Treasury, shall from time to time fix and determine, and such salaries shall commence and be computed from the said 1st of January 1838, and shall be paid and payable quarterly, namely, on the 31st of March, the 30th of June, the 30th of September, and the 31st of December in every year, together with a proportional part of such annual sum for the time which at the decease of the person entitled thereto shall have elapsed since the last payment thereof: Provided always, that if any of the persons appointed as clerks or messengers under the provisions of this Act shall be entitled to and in the receipt of compensation allowance awarded to them under the hereinbefore recited Act, which shall exceed the amount of salary fixed and determined as aforesaid, such persons shall be entitled to and shall receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold their offices or situations under this Act; and in cases wherein such compensation allowance shall be less than the amount of salary so fixed and determined, the same shall merge and be considered as part of and included in the said salary.

xviii. That the salaries and compensation allowances by way of salary hereinbefore granted to the several Masters of the said courts respectively, and also the salaries and compensation allowances by way of salary which shall and may be granted to the several clerks and messengers in the offices of the Masters under the provisions of this Act, together with the necessary and unavoidable expenses of the said offices respectively, shall be paid and payable out of and be charged and chargeable upon the fees received by the Masters in the said courts respectively; and the surplus of such fees arising in each of the said courts, after the payment of the said salaries and expenses, shall be paid into the receipt of the Exchequer to the credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such times and in such manner as the Commissioners of Her Majesty's Treasury for the time being shall think proper to direct; and in the event of the fees so received by the Masters of any one of the said courts being at any time insufficient to defray the said salaries and other necessary expenses it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any three or more of them, and they are hereby authorized and required, to direct the amount of such deficiency to be charged upon and paid out of the said Consolidated Fund.

xix. That if any Master of the said courts respectively appointed or to be appointed under or by virtue of this Act, or any person whatever employed in the offices of the said Masters, shall for anything done or pretended to be done relating to his office or employment, or under colour of doing anything relating to his office or employment, or for forbearing to do any act properly appertaining to his said office, demand, take, receive, or accept, or allow any person whatsoever to take for him or on his account, or for or on account of or in trust for him or any other person named by him, any gratuity, perquisite, or reward, or anything of value, other than the lawful fees and emoluments hereinbefore directed to be taken and received and accounted for as aforesaid, or other than the salary or remuneration allowed or to be allowed to every such Master or person aforesaid, it shall be lawful for the said Lord Chief Justice or Lord Chief Baron of the court to which such Master or person shall belong, and he is hereby empowered and required, upon his being satisfied that the person charged is guilty of so offending, to remove him from his office or employment; and the person so removed shall be and is hereby rendered incapable for ever thereafter of holding any office, situation, or employment in the said courts respectively, or of otherwise serving Her Majesty, her heirs or successors, in any manner whatsoever.

xx. That the Masters of the said courts respectively shall cause all fees received by them, and all disbursements made thereout for salaries and other necessary expenses, to be duly and regularly entered in one or more books to be kept for that purpose in their offices, distinguishing the fees received under their several heads, and also the particulars and amount of every disbursement; and shall quarterly, within one month after the 31st of March, the 30th of June, the 30th of September, and the 31st of December in every year, render a true and faithful account in writing to the Commissioners of Her Majesty's Treasury for the time being of all such fees and disbursements, in such form of account, and with such particulars of receipt or otherwise, and accompanied by such vouchers, as the said Commissioners shall from time to time think proper to require and direct; and if upon the examination of any such account it shall appear to the said Commissioners that any fees have not been duly accounted for, or that any unreasonable or improper charge or deduction has been made in such account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such way as they may think reasonable and proper, and the Masters of the said Courts by whom such account shall have been rendered shall and they are hereby required to alter and amend the said account accordingly: Provided always, that the Masters of the said Courts respectively shall submit their books of account to the inspection of the said Commissioners of Her Majesty's Treasury, or any person or persons whom they may employ for that purpose, whenever the said Masters shall be required so to do.

xxi. That every person appointed or to be appointed under the provisions of this Act as a Master of the said Courts respectively, or as a clerk or messenger in the offices of any of such Masters, and who was entitled to and has received compensation or salary in respect of the office formerly held by him under the Act hereinbefore mentioned, 11 Geo. 4. & 1 Will. 4. c. 58, or under that Act and any other Act or Acts of Parliament regulating or relating to his office or situation, who shall hereafter resign his office or situation, giving two months notice in writing of such resignation to the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his life, such annual sum as the Commissioners of Her Majesty's Treasury shall think proper to fix and appoint, not exceeding in any case the net annual value of the office or situation formerly held by him, and not being less in any case than three-fourths thereof, provided that such annual sum shall exceed the superannuation allowance to be ascertained as hereinafter mentioned; and every person appointed or to be appointed to any situation as aforesaid under this Act, where such annual sum shall amount to a less sum than the superannuation allowance to be ascertained as hereinafter mentioned, or who was not entitled to and has not received compensation in respect of any former office held by him under the provisions of the said Act, and who shall hereafter resign his office or situation with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong in consequence of his being incapable, from infirmity of mind or body, to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in either of the said courts; or in any other public office or situation prior to the passing of this Act, and shall pro-

ced according to the principles laid down by an Act, 4 & 5 Will. 4. c. 24, intituled, 'An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;' and all such sums and allowances which shall be so awarded and granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, clerks, and messengers of the said courts respectively, and the necessary expenses of the said offices.

XXII. Provided always, that in the event of any reduction being hereafter made in the number of Masters, clerks, or messengers created or authorized by this Act, the Lord Chief Justice, Lord Chief Baron, and Masters of the said Courts respectively for the time being shall not be entitled to compensation for the loss of any right of appointment vested in them or either of them by virtue of this Act.

And after reciting that it would tend to the despatch of business, and would assimilate the practice and promote uniformity in the allowance of costs, if the Masters of the said Courts appointed or to be appointed under this Act were empowered to tax costs which have arisen or may arise in each of the said Courts indiscriminately:—

It is Enacted,

XXIII. That, from and after the 1st of January 1838, the Masters of the said courts appointed or to be appointed as aforesaid are hereby authorized, empowered, and required, subject to such rules and orders as hereinafter mentioned, to tax all bills of costs indiscriminately which shall have arisen or which may arise in cases of a civil nature in any of the said courts, or in the Court of Error in the Exchequer Chamber, although such costs may not have arisen in respect of business done in the court to which such Masters may belong; and the Judges of the said courts, or any eight or more of them, of whom the chiefs of each of the said courts shall be three, shall and they are hereby required, by any rule or order to be from time to time made either in term or vacation, to establish such regulations as may be necessary for the purpose of enforcing uniformity of practice in the allowance of costs in the common law courts, and of ensuring as far as may be practicable an equal division of the business of taxation amongst the Masters of the said courts; and such Judges shall appoint some convenient place in which the said business of taxation shall be transacted for all the said courts.

And after noticing that by 6 Geo. 4. c. 82, it was recited that the several offices of Clerk of the Rules on the Plea Side, Clerk of the Papers on the Plea Side, Clerk of the Declarations, Clerk of the Common Bails, Estreats, and Postons, and Clerk of the Dockets, all in the Court of King's Bench, were in the gift of the Chief Clerk of the said court, and were deemed to be saleable by him; and also that the offices of the Clerks of the Inner and Outer Treasury, Clerks of Nisi Prius in London and other cities, and on the several circuits, and Bagbearer on the Plea Side, also in the Court of King's Bench, were in the gift of the Custos Brevium of the said Court, and were deemed to be saleable by him, and that it was expedient to abolish the sale of such offices, without prejudice however to the rights of any of the persons then holding the same, or having the right of appointment thereto: And that by 6 Geo. 4. c. 83, it was recited that the offices of Second Prothonotary and Clerk of the Juries were appointed by the Lord Chief Justice on the nomination of the Custos Brevium, and that each of the three Prothonotaries of the said court had the appointment of one Secondary, and such rights of appointments were continued to the persons then in possession of the said offices of Custos Brevium and Prothonotaries respectively: And that the persons who were so respectively declared by the said recited Acts to be in possession of the right of sale, nomination, or appointment in and to the several offices mentioned in the said Acts are still possessed of and have continued to exercise the said rights: And that the office of Signer of the Writs in the Court of Queen's Bench is also in the gift, nomination, or appointment of the Chief Clerk of the said Court: And that all the said offices will be abolished by this Act, and it is only just and reasonable that provision should be made for granting compensation upon equitable principles for all injury to or loss of the same:—

It is Enacted,

XXIV. That if since the said 24th of May 1830, any party or parties shall, in the exercise of any such right, have been nominated or appointed to any office or offices so declared to be the subject of such right, or if any such office shall be now vacant by death, or the party now holding any such shall hereafter die, it shall and may be lawful for the person or persons possessed as aforesaid of the right of sale, nomination, or appointment in and to such office or offices respectively, or to whom but for this Act such right would have come by virtue of any interest now vested, except as regards compensation for the interest to which any such instrument as hereinafter mentioned shall relate, or for the person or persons in whose favour any such right may have been exercised, to apply to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for compensation for the loss of the aforesaid right of sale, nomination, or appointment in and to such office or offices respectively, or for any injury affecting such office or offices, or for the loss of such office or offices by the abolition thereof under this Act; and in every such case the said Lord High Treasurer or any three of the Commissioners of Her Majesty's Treasury shall forthwith examine into such application by all and every such means as he or they shall think proper; and thereupon it shall and may be lawful for him or them and they are hereby required to order and direct, by warrant under his or their hands, that such annual or gross sum by way of compensation shall be paid to or to the use of such person or persons, and at such time or times respectively as the said Lord High Treasurer or the said Commissioners of Her Majesty's Treasury shall in his or their discretion deem just and equitable, regard being had to the value of such offices as ascertained and certified under the provisions of the aforesaid Act, 11 Geo. 4. & 1 Will. 4. c. 58; and all such compensations, whether annual or in gross, shall be issued and paid and payable (without any fee or deduction whatsoever) out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that if upon the death of any of the officers now holding for life any of the offices abolished by this Act, any person shall be able to prove to the satisfaction of the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the time being, that he would in such event have been entitled, under any instrument of a date prior to the said 24th of May 1830, to be appointed to succeed to such office if the same had not been abolished by this Act, it shall be lawful for the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the time being to award compensation to such person upon equitable principles, having regard to all the circumstances of the case; and such compensation, when awarded, shall be payable out of the Consolidated Fund in manner aforesaid: Provided also, that

an account of all compensations granted shall, within fourteen days next after the same shall have been granted as aforesaid, be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within fourteen days after the meeting of Parliament then next following: Provided also, that all the lawful powers and authorities by which the said Commissioners of Her Majesty's Treasury are authorized to purchase any of the offices, rights, or interests in this or any other Act mentioned or referred to, shall continue in full force and effect, notwithstanding the abolition of the said offices, rights, or interests by this or any other Act or Acts.

And after reciting that by the Act hereinbefore recited, 11 Geo. 4. & 1 Will. 4. c. 58, officers belonging to the superior courts of common law, who were appointed prior to the 24th of May 1830, are entitled to receive compensation for any loss thereafter sustained by them in their fees and emoluments in consequence of the amendments and alterations in the process, practice, pleadings, and other proceedings of the said courts: And that by another Act, 1 & 2 Will. 4, to explain and amend the same Act, the Warden of the Fleet Prison was declared to be within the true intent and meaning of the said first-mentioned statute, but no provision was made for the several persons holding the offices of Clerk of the Papers in the said prison, and the Tipstiffs of the Court of Common Pleas, who were severally appointed to their offices by the said Warden prior to the said 24th of May 1830: And that the Clerk of the Papers at the Queen's Bench Prison, and the Tipstiffs of the Court of Queen's Bench, have been and now are compensated under the provisions of the first said recited Act, and it is only just and reasonable that the same description of officers in the Court of Common Pleas, whose duties and emoluments are similar in their nature to those attached to the Court of Queen's Bench, should be placed upon the same footing:—

It is Enacted,

xxv. That the Commissioners of Her Majesty's Treasury shall ascertain the gross and net annual value of the offices of the said Clerk of the Papers at the Fleet Prison, and the Tipstiffs of the Court of Common Pleas respectively, according to a fair average of the lawful fees and emoluments of such offices for a period of ten years next preceding the 24th of May 1830, or such other average of years as the said Commissioners may think proper, and according to the same rules and principles as were adopted by the Commissioners in ascertaining the value of other offices in the superior courts of common law under the provisions of the said recited Acts; and in case the net amount of the fees and emoluments actually received by either of the said officers has in any year, since the 24th of May 1830, fallen short, or shall hereafter fall short of the net annual value of their offices as aforesaid, every such officer shall be entitled to receive from and after the said 24th of May, and so long as he or they shall continue in office, from the Lord High Treasurer or Commissioners of Her Majesty's Treasury, the full amount of the difference between the net sum actually received by such officer and the net value of his office; and the amount so to be paid shall be charged and chargeable and be paid and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, in the same way as other officers belonging to the superior courts of common law are now paid; and in case the net amount of the lawful fees and emoluments actually received by either of the said officers in any year since the said 24th of May has exceeded or shall hereafter exceed the net annual value of their offices ascertained as aforesaid, the surplus shall be paid into the receipt of the Exchequer, to the credit of the Consolidated Fund, at such times and in such manner as the said Commissioners of Her Majesty's Treasury shall think proper to direct.

xxvi. That the provisions and powers contained in the before-recited Act, 11 Geo. 4. & 1 Will. 4. c. 58, intituled, 'An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law,' shall, so far as the same is applicable, extend to all cases in which any office shall be abolished by the authority of this or any subsequent Act, and the person, his heirs, executors, or administrators, who in case such office were not abolished would, under the provisions of the last-recited Act, have been entitled to receive the difference between the net amount of the fees and emoluments which would have become due in such office and the certified value thereof, or who under that Act and any other Act or Acts of Parliament relating to his office or situation would have been entitled to receive any compensation, salary, or official income, shall be entitled, from the time of the abolition of such office, to receive the full amount of such certified value, compensation, salary, or official income, in four equal quarterly payments, on the 5th of April, July, and January, and the 10th of October in each year, to be paid and payable out of the Consolidated Fund of the United Kingdom, without any fee or deduction whatsoever, until a full and fair compensation shall have been fixed and appointed for such person under the powers and provisions of the said recited Act; and when such compensation shall have been so fixed and appointed for such abolished office, the same shall be in like manner a charge upon and shall be paid out of the said Consolidated Fund, without any fee or deduction whatever, by such equal quarterly payments as last aforesaid, together with a proportional part of such annual sum for the time which at the decease of the person entitled thereto shall have elapsed since the last payment thereof.

xxvii. Provided always, That in fixing the amount of compensation to be awarded under the said last-recited Act due regard shall be had to the different circumstances of the several offices abolished by this Act, and to the nature and extent of the duties from which the persons holding certain of such offices will be relieved by the abolition thereof.

And after reciting that by an Act, 7 Anne, intituled, 'An Act for the public registering of Deeds, Conveyances, and Wills, and other Incumbrances, which shall be made of or shall affect any Honors, Manors, Lands, Tenements, or Hereditaments within the county of Middlesex, after the Twenty-ninth Day of September One thousand seven hundred and nine,' and by another Act, 25 Geo. 2, intituled, 'An Act for appointing the Deputy or Secondary of the Chief Clerk to enrol Pleas in the King's Bench, called the Master of the King's Bench Office, One of the Registers or Masters for the Inrolment of Deeds, Wills, and other Conveyances in the County of Middlesex, in the Place and Stead of such Chief Clerk, it is provided that the Clerk of the Warrants in the Court of Common Pleas, and the Master or Secondary of the Court of King's Bench, for the time being, shall be two of the officers for executing the duties of Registers and Masters for the matters and things in the said first-recited Act contained: And that the said offices of Clerk of the Warrants in the Court of Common Pleas and the Master or Secondary of the Court of Queen's Bench will be abolished by this Act, and doubts may arise whether those offices can any longer continue legally to execute the duties of such Registers and Masters as aforesaid;—

It is Enacted,

xxviii. That nothing in this Act contained shall extend or be construed to extend to abolish the office of Registers or Masters

for the enrolment of deeds, wills, and other conveyances in the county of Middlesex, or for any other matters or things in the said first-recited Act contained, or to deprive any of the persons now holding such office of Registers or Masters of that office, and that such persons shall and may henceforth, and until otherwise provided for by law, continue to hold and enjoy such office, and execute all the powers and duties appertaining thereto, in the same manner to all intents and purposes as if this Act had not been passed; and if the Clerk of the Warrants in the Court of Common Pleas, or the Master or Secondary of the Court of Queen's Bench, abolished by this Act, and who now hold the office of such Registers or Masters as aforesaid, shall die, or resign, or otherwise be discharged from the office of Registers or Masters, it shall be lawful for the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas for the time being, until otherwise directed by Parliament, to nominate and appoint some fit and proper person to fill the office of such Register or Master, such person being a Master in one of the said superior courts of common law at Westminster, or a barrister or an attorney in the same in actual practice of not less than five years standing, in the place and stead of the person so dying, resigning, or being discharged from such office; and the person so nominated and appointed by the Lords Chief Justices as aforesaid shall, previously to his entering upon or executing such office, take such oath or oaths, and afterwards execute such office, and the powers and duties appertaining thereto, in the same manner to all intents and purposes as the persons executing the same would by law be required and authorized to take and execute if this Act had not been passed.

XXIX. That this Act may be amended, altered, or repealed by any Act to be passed during the present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

OFFICES abolished by this Act from and after the First Day of July One thousand eight hundred and thirty-seven.

On the Plea Side of the Court of Queen's Bench :

The Office of The Chief Clerk.

Secondary or Master of the Queen's Bench Office.
Clerk of the Rules.
Clerk of the Papers.
Clerk of the Docquets and Judgments.
Signer of the Writs.
Clerk of the Declarations.
Clerk of the Common Bails or Appearances, Estreats and Postea.
Custos Brevium et Recordorum.
Clerk of the Inner and Upper Treasuries.
Clerk of the Outer Treasury.
Clerks of the Nisi Prius for London, Middlesex, and the several Circuits in England and Wales.
Bagbearer to the Custos Brevium.
Clerk of the Errors.
Filacer, Exigenter, and Clerk of the Outlawries.
Signer of the Bills of Middlesex.

In the Court of Common Pleas :

The Office of The Custos Brevium.

Prothonotaries.
Secondaries.
Clerk of the Judgments.
Clerk of the Reversals of Outlawries.
Clerk of the Docquets.
Clerk of the Warrants, Enrolments, and Estreats.
Clerk of the Escoigns.
Clerk of the Treasury.
Clerk of the Jurats.
Treasury Keeper.
Clerk of the Juries.
Clerk of the Errors.
Filacers for the several Counties, Cities, and Towns in England and Wales.
Exigenter and Clerk of the Supersedes.
Clerk of the Outlawries.

On the Plea Side of the Court of Exchequer :

The Office of The Masters and Prothonotaries.

Clerk of the Rules.
Filacer.
Clerk of Errors.
Clerk of the Pleas.

SCHEDULE (B.)

PERSONS appointed by this Act as the Masters of the Superior Courts of Common Law.

The Five Masters on the Plea Side of the Court of Queen's Bench, namely :—

Thomas Le Blanc, Esquire.
Fortunatus Dwarrie, Esquire.
Sir Archer Denman Croft, Baronet.
Richard Goodrich, Esquire.
James Bunce, Esquire.

The Five Masters of the Court of Common Pleas, namely :—

Henry Belward Ray, Esquire.
Alexander Atherton Park, Esquire.
John Henry Cancellor, Esquire.
Edward Griffith, Esquire.
Edward Robert Porter, Esquire.

The Five Masters on the Plea Side of the Court of Exchequer, namely :—

Thomas Dax, Esquire.
Kenrick Collett, Esquire.
Edmund Walker, Esquire.
Stephen Richards, Esquire.
George Chilton, Esquire.

CAP. XXXI.

AN ACT for continuing Military Commissions and Commissions in the Royal Marines in force notwithstanding the Demise of the Crown.

(12th July 1837.)

By this Act,

After reciting that great inconvenience has arisen on occasion of the demise of the Crown from the necessity of renewing all military commissions under the royal sign manual :—

It is Enacted,

That all commissions of military officers and officers of the Royal Marines signed by his late Majesty King William the Fourth shall be and continue in force, notwithstanding the demise of his said late Majesty, until cancelled by direction of Her Majesty, her heirs and successors; and that upon any future demise of the Crown all commissions in the army and Royal Marines then in force shall continue in force until cancelled by direction of the succeeding King or Queen of this realm: Provided always, that nothing in this Act contained shall be construed to deprive Her Majesty, her heirs and successors, of the power of removing and discharging any person from any such employment or commission held by him in like manner as might by law have been done if this Act had not been passed.

CAP. XXXII.

AN ACT to repeal the several Laws relating to the Post Office.

(12th July 1837.)

By this Act,

After reciting that the laws of the Post Office, by reason of successive additions and alterations, have become intricate, and that it is expedient that new enactments should be substituted, exhibiting more plainly and compendiously the provisions thereof:

It is Enacted,

1. That the several Acts and parts of Acts set forth in the Schedule (A.) hereto annexed, so far as the same shall be in force at the commencement of this Act, are hereby repealed; nevertheless no Act or part of an Act repealed by any of the Acts hereby repealed shall be revived by the passing of this Act; and no Act or part of an Act perpetuated or continued by any of the Acts hereby repealed (except such as are herein expressly repealed) shall be repealed by the passing of this Act; and, notwithstanding the repeal of the Acts hereby repealed, all acts which might have been done, and all proceedings which might have been taken or prosecuted relating to any offences which shall have been committed, or to any matters which shall have happened, or to any monies which shall have become due, or to any fines or penalties which shall have been incurred,

before the day on which this Act shall come into operation, may still be done or prosecuted, and the offences may be dealt with and punished, and the monies may be recovered and dealt with, and the fines and penalties may be enforced and applied, as if the Acts hereby repealed continued in force.

And in order that no doubt should remain whether any, or what, if any, former Acts relating in any way to the Post Office continue in force;—

It is Enacted,

II. That all Acts and parts of Acts relating to the revenue of the Post Office, or relating to the management of the business of the Post Office, or relating to the privilege of sending and receiving letters free of postage or at a reduced rate of postage, or relating to offences against the Post Office, which are punishable specifically by the Post Office laws, shall be hereby repealed so far as such Acts shall be in force at the commencement of this Act, save such Acts and parts of Acts as are mentioned in the Schedule (B.) hereunto annexed, and also save all other Acts expressly made for other purposes, although they incidentally touch on matters relating to the Post Office, or although the provisions thereof are to be carried into effect by officers of the Post Office; nevertheless such matters and provisions last mentioned, so far as they are repugnant to or inconsistent with the Post Office Acts in force at the time, shall be in all respects controlled by such Post Office Acts, unless the contrary shall have been expressed in such other Acts.

III. That all the provisions of this Act shall be construed according to the respective interpretations of the terms and expressions contained in 1 Vict. c. 36, intituled, 'An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws,' so far as those interpretations are not repugnant to the subject or inconsistent with the context of such provisions.

IV. That this Act shall come into operation on the 1st of August 1837.

v. That this Act may be repealed or altered during the present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Containing a Description of the Acts and Parts of Acts repealed by this Act.

First Parliament William and Mary, sess. 3. c. 3, 'An Act against robbing of the Packet.' The whole.

9 Anne, c. 10, 'An Act for establishing a General Post Office for all Her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War, and other Her Majesty's Occasions.' The whole, except so far as relates to the payment and appropriation of the weekly sum of 700*l.* thereby directed to be paid into the receipt of the Exchequer, and as relates to Her Majesty's hereditary revenue, and except all annuities and other payments and incumbrances to which the revenue of the Post Office is thereby made liable, and except so far as relates to the interference with or participation in elections of members of Parliament by officers of the Post Office.

6 Geo. 1. c. 21, 'An Act for preventing Frauds and Abuses in the Public Revenues of Excise, Customs, Stamp Duties, Post Office, and House Money.' So much as relates to the Post Office.

4 Geo. 2. c. 33, 'An Act for obviating a Doubt which hath arisen concerning the usual Allowance made upon the Delivery of Letters sent by the Penny Post to Places out of the Cities of London and Westminster and Borough of Southwark, and the respective Suburbs thereof.' The whole.

22 Geo. 2. c. 25, 'An Act to explain and amend so much of an Act made in the Ninth Year of the Reign of Queen Anne, intituled, "An Act for establishing a General Post Office for all Her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War and other Her Majesty's Occasions," ' as relates to Horses or Furniture to be let to Persons riding Post.' The whole.

26 Geo. 2. c. 13, 'An Act for the more effectually preventing the fraudulent Removal of Tobacco by Land or Water, and for the Ease of the fair Trader in Tobacco; and for ascertaining the Rates payable for the Portage of certain Letters; and for amending and explaining the Laws relating to the Sale of Spirituous Liquors by Retail.' So much as relates to the Post Office.

4 Geo. 3. c. 24, 'An Act for preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from the Duty of Postage.' The whole.

5 Geo. 3. c. 25, 'An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen Anne and in other Acts relating to the revenue of the Post Office.' The whole, except so much thereof as relates to the postage on letters and packets conveyed by the post within the British Dominions in America and the West Indies, and to any felony or other offence committed within such dominions.

7 Geo. 3. c. 50, 'An Act for amending certain Laws relating to the Revenue of the Post Office, and for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and the Isle of Man, and within that Island.' The whole, except so much thereof as relates to any felony or other offence committed within the British dominions in America and the West Indies.

9 Geo. 3. c. 35, 'An Act for discontinuing upon the Exportation of Iron imported in Foreign Ships the Drawback of such Part of the Duties payable thereon as exceeds the Duties payable on Iron imported in British Ships; to prohibit the Exportation of Pig and Bar Iron and certain Naval Stores, unless the Pre-emption thereof be offered to the Commissioners of the Navy; to repeal so much of an Act made in the Sixth Year of His present Majesty's Reign as discontinued the Drawback upon Foreign rough Hemp exported; for providing a Compensation to the Clerks in the Offices of the Principal Secretaries of State for the Advantages such Clerks enjoyed before the Commencement of an Act made in the Fourth Year of the Reign of His present

Majesty for preventing Frauds and Abuses in relation to the sending and receiving Letters and Packets free from the Duty of Postage, and to explain and amend the said Act.' So much as relates to the Post Office, except so much thereof as directs the payment out of the revenues of the Post Office of the annual sum of 1,500*l.* to or for the use of the clerks in the offices of Her Majesty's principal Secretaries of State.

22 Geo. 3. c. 70, 'An Act to enable the Commander in Chief of His Majesty's Forces and the Secretary to the Commander in Chief of His Majesty's Forces to send and receive Letters and Packets free from the Duty of Postage.' The whole.

23 Geo. 3. c. 69, 'An Act to enable the Adjutant General of His Majesty's Forces and the Comptrollers of Army Accounts to send and receive Letters and Packets free from the Duty of Postage.' The whole.

23 & 24 Geo. 3. c. 17, (Irish Act,) 'An Act for establishing a Post Office within this Kingdom.' The whole.

24 Geo. 3. c. 6, 'An Act for establishing certain Regulations concerning the Portage and Conveyance of Letters and Packets by the Post between Great Britain and Ireland.' The whole.

24 Geo. 3. c. 8, Sess. 2, 'An Act for establishing certain Regulations concerning the Portage and Conveyance of Letters and Packets by the Post between Great Britain and Ireland.' The whole.

24 Geo. 3. c. 37, Sess. 2, 'An Act for granting to His Majesty certain additional Rates of Postage for Conveyance of Letters and Packets by the Post within the Kingdom of Great Britain; for preventing Frauds in the Revenue carried on by the Conveyance of certain Goods in Letters and Packets; and for further preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from Postage.' The whole, except so far as relates to the payment and appropriation of the weekly sum of 2,300*l.* thereby directed to be paid into the receipt of the Exchequer, and as relates to the hereditary revenue.

25 Geo. 3. c. 57, 'An Act to exempt Carriages carrying the Mail from paying Tolls at any Turnpike Gate in Great Britain.' The whole.

25 Geo. 3. c. 60, 'An Act for granting to His Majesty a certain Sum of Money out of the Sinking Fund, and for applying certain Monies therein mentioned for the Service of the Year One thousand seven hundred and eighty-five, and for further appropriating the Supplies granted in this Session of Parliament; and for providing a Compensation to the Clerks in the Offices of the Principal Secretaries of State for the Advantage such Clerks enjoyed before the Commencement of an Act made in the Twenty-fourth Year of the Reign of His present Majesty, for establishing certain Regulations concerning the Portage and Conveyance of Letters and Packets by the Post between Great Britain and Ireland.' So much as relates to the Post Office, except so much as respects the payment out of the revenues of the Post Office of an annual sum of 1,000*l.* to or for the use of the clerks in the offices of Her Majesty's Principal Secretaries of State.

27 Geo. 3. c. 9, 'An Act for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and the Port of Waterford in the Kingdom of Ireland, by way of Milford Haven.' The whole.

28 Geo. 3. c. 13, (Irish Act,) 'An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled, "An Act for establishing a Post Office within this Kingdom." The whole.

33 Geo. 3. c. 60, 'An Act to enable the Postmaster General to send the Mail to the Dominions of His Catholic Majesty on board of any Vessels authorized by His Catholic Majesty to carry the same.' The whole.

34 Geo. 3. c. 17, 'An Act for regulating the Portage and Conveyance of Letters by the Carriage called the Penny Post.' The whole.

34 Geo. 3. c. 18, 'An Act for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and the Islands of Jersey and Guernsey, and within those Islands.' The whole.

35 Geo. 3. c. 53, 'An Act for further regulating the sending and receiving Letters free from the Duty of Postage; for allowing Non-commissioned Officers, Seamen, and Private Men in the Navy and Army, whilst on Service, to send and receive Letters at a low Rate of Postage; and for permitting Patterns and Samples of Goods to be transmitted by the Post at an easier Rate than is now allowed by Law.' The whole.

36 Geo. 3. c. 7, (Irish Act,) 'An Act to further explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled "An Act for establishing a Post Office within this Kingdom;" and also to explain and amend an Act passed in the Twenty-eighth Year of His present Majesty's Reign, intituled "An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled "An Act for establishing a Post Office within this Kingdom." The whole.

37 Geo. 3. c. 18, 'An Act for altering certain Rates of Postage for conveyance of Letters in England and Scotland respectively, and of Packets to and from Great Britain, from and to Portugal and the British Colonies in America respectively; and for setting apart at the Receipt of the Exchequer, for a certain Period, out of the Revenues of the Post Office, the annual sum of Forty thousand Pounds towards defraying the increased Charge occasioned by any Loan raised or Stock created by any Act or Acts passed in the Thirty-fifth Year of the Reign of His present Majesty.' The whole, except so much thereof as relates to the application of the revenue of the Post Office.

38 Geo. 3. c. 47, (Irish Act,) 'An Act for the further Amendment of the Acts relating to the Post Office, and for further facilitating Prosecutions under the said Acts.' The whole.

39 Geo. 3. c. 76, 'An Act for the more secure Conveyance of Ship Letters, and for granting to His Majesty certain Rates of Postage thereon.' The whole.

40 Geo. 3. c. 8, (Irish Act,) 'An Act for granting to His Majesty, his Heirs and Successors, certain Duties and Rates upon the Portage and Conveyance of all Letters and Packets within this Kingdom.' The whole.

41 Geo. 3. c. 7, 'An Act for repealing the Rates and Duties of Postage in Great Britain, and granting other Rates and Duties in lieu thereof, and on Letters conveyed to or from any Part of the United Kingdom from or to any Place out of the said Kingdom, and by Packet Boats from or to the Ports of Holyhead and Milford Haven.' The whole.

42 Geo. 3. c. 63, 'An Act to authorize the sending and receiving of Letters and Packets, Votes, Proceedings in Parliament, and printed Newspapers by the Post free from the Duty of Postage by the Members of the Two Houses of Parliament of the United Kingdom, and by certain public Officers therein named; and for reducing the Postage on such Votes, Proceedings, and Newspapers when sent by any other Persons.' The whole.

42 Geo. 3. c. 81, 'An Act for amending so much of an Act passed in the Seventh Year of the Reign of His present Majesty as relates to the secreting, embezzling, or destroying any Letter or Packet sent by the Post; and for the better Protection of such Letters and Packets; and for more effectually preventing Letters and Packets being sent otherwise than by the Post.' The whole.

42 Geo. 3. c. 101, 'An Act for repealing the Rates and Duties of Postage upon Letters to and from France and the Batavian Republic from and to London, and for granting other Rates and Duties in lieu thereof; and for exempting from the Duty of Tonnage the Ships and Vessels to be employed in conveying the Mails of Letters from France to the United Kingdom of Great Britain and Ireland.' The whole.

43 Geo. 3. c. 28, 'An Act for granting to His Majesty certain Rates and Duties upon Letters and Packets sent by the Post within Ireland.' The whole.

43 Geo. 3. c. 31, 'An Act for establishing certain Regulations in the Office of Surveyor General of His Majesty's Woods, Forests, Parks, and Chases.' So much as relates to the Post Office and the sending and receiving letters and packets by the Post free from the duty of postage.

43 Geo. 3. c. 119, 'An Act for improving the Funds of the Chest at Chatham, and for transferring the Administration of the same to Greenwich Hospital; and for ameliorating the Condition of the Pensioners on the said Funds.' So much as relates to the Post Office and the sending and receiving letters and packets by the Post free from the duty of postage.

44 Geo. 3. c. 84, 'An Act to permit certain Persons in the Office of Ordnance, and the Quarter Master General, to send and receive Letters free from the Duty of Postage; and to enable the Board of Ordnance, the Adjutant General, the Quarter Master General, and the Barrack Master General to authorize Persons in their Offices to send Letters free from the said Duty.' The whole.

45 Geo. 3. c. 11, 'An Act for granting certain additional Rates and Duties in Great Britain on the Conveyance of Letters.' The whole.

45 Geo. 3. c. 21, 'An Act for repealing certain duties upon Letters and Packets sent by the Post within Ireland, and granting other Duties in lieu thereof.' The whole.

45 Geo. 3. c. 72, 'An Act for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War.' So much as relates to the Post Office and the sending letters and packets by the Post free from the duty of postage.

46 Geo. 3. c. 61, 'An Act to authorize certain Public Officers to send and receive Letters and Packets by the Post free from the Duty of Postage.' The whole.

46 Geo. 3. c. 73, 'An Act for granting Rates of Postage on the Conveyance of Letters and Packets to and from Gibraltar and the Island of Malta.' The whole.

46 Geo. 3. c. 83, 'An Act for the better Regulation of the Office of Receiver General of the Post Office of England.' The whole.

46 Geo. 3. c. 92, 'An Act to amend Three Acts made in the Thirty-fifth, Forty-first, and Forty-second Years of His present Majesty, relating to the Conveyance of Letters and Packets by the Post.' The whole.

46 Geo. 3. c. 142, 'An Act for the better Regulation of the Office of Surveyor General of Woods and Forests.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

47 Geo. 3. c. 59, Sess. 2, 'An Act to amend an Act of the Forty-sixth Year of His Majesty, for the better Regulation of the Office of Receiver General of the Post Office in England.' The whole.

48 Geo. 3. c. 90, 'An Act to enable the Commissioners for auditing Public Accounts, and the Commissioners for the Affairs of Barracks respectively, to send and receive Letters and Packets on the Business of their Office free of Postage.' The whole.

48 Geo. 3. c. 116, 'An Act for granting to His Majesty Rates of Postage on the Conveyance of Letters and Packets to and from the Island of Madeira and to and from the Portuguese Territories on the Continent of South America.' The whole.

49 Geo. 3. c. 35, 'An Act for the more convenient Payment of Pensions to Widows of Officers of the Navy.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

49 Geo. 3. c. 45, 'An Act for more conveniently paying of Allowances on the Compassionate List of the Navy and of Half Pay to Officers of the Royal Marines.' So much as relates to the Post Office.

49 Geo. 3. c. 108, 'An Act to amend the several Acts respecting the Payment of Wages and Prize Money and Allotment of Wages to Persons serving in His Majesty's Royal Navy.' So much as relates to the Post Office.

49 Geo. 3. c. 123, 'An Act to explain and amend an Act made in the Forty-fifth Year of His present Majesty, for the Encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War; and for the further Encouragement of Seamen, and for the better and more effectually providing for the Interests of the Royal Hospital for Seamen at Greenwich and the Royal Hospital for Soldiers at Chelsea; and to extend the Provisions of the said Act to Cases arising in consequence of Hostilities commenced since the passing of the said Act.' So much as relates to the Post Office.

50 Geo. 3. c. 65, 'An Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown and Surveyor General of His Majesty's Woods, Forests, Parks, and Chases.' So much as relates to the Post Office, and the sending and receiving letters and packets by the Post free from the duty of postage.

50 Geo. 3. c. 66, 'An Act to authorize the Judge Advocate General to send and receive Letters and Packets free from the Duty of Postage.' The whole.

50 Geo. 3. c. 74, 'An Act to grant to His Majesty certain additional Duties upon Letters and Packets sent by the Post within Ireland.' The whole.

52 Geo. 3. c. 88, 'An Act for granting to His Majesty certain additional Rates of Postage in Great Britain.' The whole.

52 Geo. 3. c. 132, 'An Act for explaining, amending, and extending the several Laws relative to the Payment of forfeited and unclaimed Shares of Army Prize Money to the Royal Hospital at Chelsea; and for directing the Mode of making up the Accounts of Pensions paid to the Widows of Officers of the Army.' So much as relates to the Post Office and the sending and receiving letters and packets by the Post free from the duty of postage.

52 Geo. 3. c. 143, 'An Act for amending and reducing into One Act the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in breach of or in resistance to any Part of the Laws for collecting His Majesty's Revenue in Great Britain.' So much as relates to the Post Office.

53 Geo. 3. c. 13, 'An Act for authorizing the Assistant Secretary to the Postmaster General to send and receive Letters and Packets free from the Duty on Postage.' The whole.

53 Geo. 3. c. 58, 'An Act to repeal certain Rates and Duties upon Letters and Packets sent by the Post from or to Dublin to or from the several Post Towns in Ireland, and to grant other Rates and Duties in lieu thereof; and to make further Regulations for securing the Duties on Letters and Packets sent by the Post in Ireland.' The whole.

53 Geo. 3. c. 68, 'An Act to repeal the Exemption from Toll granted for or in respect of Carriages with more than Two Wheels carrying the Mail in Scotland, and for granting a Rate for Postage as an Indemnity for the Loss which may arise to the Revenue of the Post Office from the Payment of such Tolls.' The whole.

54 Geo. 3. c. 119, 'An Act to repeal certain Duties upon Letters and Packets sent by the Post within Ireland, and to grant other Duties in lieu thereof.' The whole.

54 Geo. 3. c. 169, 'An Act for making certain Regulations respecting the Postage of Ship Letters and of Letters in Great Britain.' The whole.

55 Geo. 3. c. 103, 'An Act to regulate the Postage of Ship Letters to and from Ireland.' The whole.

55 Geo. 3. c. 145, 'An Act to increase the Allowance to the Post Office in Ireland in respect of Packet Boats to Great Britain.' The whole.

55 Geo. 3. c. 153, 'An Act for granting certain Rates on the Postage of Letters to and from Great Britain, the Cape of Good Hope, the Mauritius, and the East Indies; and for making certain Regulations respecting the Postage of Ship Letters and of Letters in Great Britain.' The whole.

56 Geo. 3. c. 98, 'An Act to unite and consolidate into One Fund all the Public Revenues of Great Britain and Ireland, and to provide for the Application thereof to the general Service of the United Kingdom.' So much as relates to the sending and receiving letters and packets by the Post free from the duty of postage.

57 Geo. 3. c. 9, 'An Act for vesting all Estates and Property occupied for the Barrack Service in the Comptroller of the Barrack Department, and for granting certain Powers to the said Comptroller.' So much as relates to the Post Office and the sending and receiving letters and packets by the Post free from the duty of postage.

57 Geo. 3. c. 66, 'An Act to amend an Act of the Twenty-second Year of His present Majesty, for suppressing or regulating certain Offices therein mentioned, so far as relates to the Board of Trade; and for enabling the Vice-President of the Board of Trade to send and receive Letters and Packets free from the Duty of Postage.' So much as relates to the Post Office and the sending and receiving letters and packets by the Post free from the duty of postage.

58 Geo. 3. c. 45, 'An Act for building and promoting the building of additional Churches in populous Parishes.' So much as relates to the Post Office and the sending and receiving letters and Packets by the Post free from the duty of postage.

59 Geo. 3. c. 108, 'An Act to amend several Acts relating to the Post Office and Conveyance of Letters in Ireland.' The whole.

59 Geo. 3. c. 111, 'An Act to repeal so much of an Act passed in the Fifty-fifth Year of His present Majesty, as relates to the Postage and Conveyance of Letters to and from the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies; and to make other Regulations respecting the Postage of such Letters and Packets, and other Letters and Packets sent by the Post.' The whole.

1 Geo. 4. c. 89, 'An Act for imposing additional Rates and Duties on the Conveyance of Letters between Port Patrick in Scotland and Donaghadee in Ireland.' The whole.

3 Geo. 4. c. 105, 'An Act for granting Rates of Postage for the Conveyance of Letters and Packets between the Port of Liverpool in the County of Lancaster and the Isle of Man.' The whole.

3 Geo. 4. c. 126, 'An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.' So much as relates to the exemption of horses and carriages employed or to be employed in carrying the mails and expresses from payment of tolls.

4 Geo. 4. c. 49, 'An Act for regulating Turnpike Roads in that Part of Great Britain called Scotland.' So much as relates to the exemption of horses and carriages employed or to be employed in conveying the mails from payment of tolls, and as authorizes the trustees of turnpikes to enter into any agreement with the Postmaster General as to the amount of tolls to be paid for mail coaches.

4 Geo. 4. c. 81, 'An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors to send and receive Letters at a reduced rate of Postage.' So much as relates to the Post Office.

4 Geo. 4. c. 95, 'An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England.' So much as tends to affect the exemption from payment of tolls of horses and carriages employed or to be employed in conveying the mails and expresses under the authority of Her Majesty's Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses or in returning back from conveying or guarding the same.

5 Geo. 4. c. 10, 'An Act for granting to His Majesty Rates of Postage on the Conveyance of Letters and Packets to and from Buenos Ayres or other Port or Ports on the Continent of South America.' The whole.

5 Geo. 4. c. 20, 'An Act to regulate the Conveyance of Packets containing re-issuable Country Bank Notes by the Post, and to charge Rates of Postage thereon; to prevent Letters and Packets being sent otherwise than by the Post; to punish Persons embellishing printed Proceedings in Parliament or Newspapers; and to allow the President of the Commissioners of Revenue Inquiry to send and receive Letters and Packets free from the Duty of Postage.' The whole.

6 Geo. 4. c. 28, 'An Act for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and Ireland by way of Liverpool.' The whole.

6 Geo. 4. c. 44, 'An Act for granting to His Majesty Rates of Postage on the Conveyance of Letters and Packets to and from Columbia and Mexico.' The whole.

6 Geo. 4. c. 68, 'An Act to regulate the Conveyance of printed Votes and Proceedings in Parliament, and printed Newspapers, by Packet Boats between Great Britain and Ireland and the British Colonies, and also in the United Kingdom.' The whole, except so far as respects the compensation to officers of the Post Office having the privilege of franking.

7 Geo. 4. c. 16, 'An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

7 & 8 Geo. 4. c. 6, 'An Act for granting to His Majesty Rates of Postage on the Conveyance of Letters and Packets to and from Saint Domingo and Cuba.' The whole.

7 & 8 Geo. 4. c. 21, 'An Act to amend the Laws relating to the Duties of Postage in Great Britain and Ireland.' The whole.

7 & 8 Geo. 4. c. 58, 'An Act to make Provision for ascertaining from Time to Time the Average Prices of British Corn.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

9 Geo. 4. c. 42, 'An Act to abolish Church Briefs, and to provide for the better Collection and Application of voluntary Contributions for the Purpose of enlarging and building Churches and Chapels.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

10 Geo. 4. c. 26, 'An Act for transferring the Management of Greenwich Out-pensions, and certain Duties in Matters of Prize, to the Treasurer of the Navy.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

1 Will. 4. c. 8, 'An Act for enabling His Majesty to appoint a Postmaster General for the United Kingdom of Great Britain and Ireland.' The whole.

1 & 2 Will. 4. c. 43, 'An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland.' So much as relates to the Post Office.

3 Will. 4. c. 15, 'An Act to enable His Majesty's Postmaster General to extend the Accommodation by Post, and to regulate the Privilege of Franking in Ireland; and for other Purposes relating to the Post Office.' The whole.

2 Will. 4. c. 53, 'An Act for consolidating and amending the Laws relating to the Payment of Army Prize Money.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

2 & 3 Will. 4. c. 106, 'An Act to enable the Officers in His Majesty's Army, and their Representatives, and the Widows of Officers, and Persons on the Compassionate List, and also Civil Officers on Retired or Superannuation Allowances payable by the Paymaster General of His Majesty's Forces, to draw for and receive their Half Pay and Allowances.' So much as relates to the Post Office and the sending and receiving of letters and packets by the Post free from the duty of postage.

4 & 5 Will. 4. c. 44, 'An Act to regulate the Conveyance of printed Newspapers by the Post between the United Kingdom, the British Colonies, and Foreign Parts.' The whole.

5 & 6 Will. 4. c. 25, 'An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office.' The whole.

6 Will. 4. c. 21, 'An Act to provide that Persons in Scotland accused of Letter Stealing shall not be entitled to Liberation on Bail unless in certain Cases.' The whole.

6 Will. 4. c. 25, 'An Act for granting an additional Rate of Postage on Letters between Great Britain and Ireland by way of Milford and Waterford.' So much as imposes additional rates of postage on letters and packets conveyed by Post to and from Great Britain and Ireland, or to and from any part beyond the seas and Ireland, by way of Milford and Waterford.

6 & 7 Will. 4. c. 54, 'An Act to consolidate and amend the Laws relating to the Conveyance of Newspapers by the Post.' The whole.

SCHEDULE (B.)

Containing a Description of the Acts and Parts of Acts saved from the Operation of this Act.

5 A. c. 4. s. 1, 'An Act for settling upon John Duke of Marlborough and his Posterity a Pension of Five thousand Pounds per Annum, for the more honourable Support of their Dignities, in like Manner as his Honours and Dignities, and the Honour and Manor of Woodstock and House of Blenheim, are already limited and settled.' The whole.

9 A. c. 10, 'An Act for establishing a General Post Office for all Her Majesty's dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War and other Her Majesty's Occasions.' So much as relates to the appropriation and payment of the weekly sum thereby directed to be paid into the receipt of the Exchequer; and as relates to Her Majesty's hereditary revenue; and as relates to all annuities and other payments and incumbrances to which the revenue of the Post Office is thereby made liable; and so much as relates to the interference with or participation in the elections of members of Parliament by persons employed in the Post Office.

1 Geo. 1. c. 78, 'An Act to enable His Majesty to grant Letters Patent to supply a Defect in a grant made by His Majesty King William the Third unto Maynard Duke of Schomberg and Leinster, of the annual Sum of Four thousand Pounds out of the Revenue of the Post Office, until the Sum of One hundred thousand Pounds be paid.' The whole.

3 Geo. 1. c. 7, 'An Act for redeeming the Duties and Revenues which were settled to pay off Principal and Interest on the Orders made forth on Four Lottery Acts passed in the Ninth and Tenth Years of Her late Majesty's Reign; and for redeeming certain Annuities payable on Orders out of the Hereditary Excise, according to a former Act in that Behalf; and for establishing a general yearly Fund, not only for the future Payment of Annuities at several Rates to be payable and transferrable at the Bank of England and redeemable by Parliament, but also to raise Monies for such Proprietors of the said Orders as shall choose to be paid their Principal and Arrears of Interest in ready money; and for making good such other Deficiencies and Payments as in this Act are mentioned; and for taking off the Duties on Linseed imported and British Linen exported.' So much as relates to the payment of the weekly sum of 700*l.* out of the revenues of the Post Office into the receipt of the Exchequer.

3 Geo. 2. c. 36, 'An Act for confirming a Patent granted by Her late Majesty Queen Anne to William Trench, Esquire,

deceased, for erecting a Lighthouse upon the Island or Rock called Skerries, and for the better Maintenance of the said Lighthouse, and for making the Duties granted for maintaining the same perpetual.' The whole.

5 Geo. 3. c. 25, 'An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen Anne and in other Acts relating to the Revenue of the Post Office.' So much as relates to the postage on letters and packets conveyed by the Post within the British dominions in America and the West Indies and to any felony or other offence committed within such dominions.

7 Geo. 3. c. 50, 'An Act for amending certain Laws relating to the Revenue of the Post Office; and for granting Rates of Postage for the Conveyance of Letters and Packets between Great Britain and the Isle of Man and within that Island.' So much as relates to any felony or other offence committed within the British Dominions in America and the West Indies.

84 Geo. 3. c. 37, 'An Act for granting to His Majesty certain additional Rates of Postage for Conveyance of Letters and Packets by the Post within the Kingdom of Great Britain; for preventing Frauds on the Revenue carried on by the Conveyance of certain Goods in Letters and Packets; and for further preventing Frauds and Abuses in relation to the sending and receiving of Letters and Packets free from Postage.' So much as relates to the appropriation and payment of the weekly sum of £3,000, thereby directed to be paid into the receipt of the Exchequer, and as relates to the hereditary revenue.

27 Geo. 3. c. 13, 'An Act for repealing the several Duties of Customs and Excise and granting other Duties in lieu thereof, and for applying the said Duties, together with the other duties composing the Public Revenue; for permitting the Importation of certain Goods, Wares, and Merchandise the Produce or Manufacture of the European Dominions of the French King into this Kingdom; and for applying certain unclaimed Monies remaining in the Exchequer for the Payment of Annuities on Lives to the Reduction of the National Debt.' So much as relates to the Post Office.

45 Geo. 3. c. 43, 'An Act to amend the Laws for improving and keeping in repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious.' The whole.

46 Geo. 3. c. 134, 'An Act to provide for the Security and Expedition of the Conveyance of Letters by the Post in Ireland.' The whole.

48 Geo. 3. c. 48, 'An Act to enable His Majesty's Postmaster General of Ireland to purchase Premises for the Enlargement of the General Post Office in the City of Dublin.' The whole.

48 Geo. 3. c. 140, 'An Act for the more effectual Administration of the Office of Justice of the Peace, and for the more effectual Prevention of Felonies within the District of the Dublin Metropolis.' So much as relates to the Post Office.

54 Geo. 3. c. 146, 'An Act for the better regulating and preserving Parish and other Registers of Births, Baptisms, Marriages, and Burials in England.' The whole.

53 Geo. 3. c. 89, 'An Act for the more regular Conveyance of Writs for the Election of Members to serve in Parliament.' The whole.

53 Geo. 3. c. 146, 'An Act to amend an Act made in the Forty-fifth Year of His present Majesty, intituled, "An Act to amend the Laws for improving and keeping in repair the Post Roads in Ireland, and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious." The whole.

54 Geo. 3. c. 63, 'An Act to amend several Acts for enabling His Majesty's Postmaster General of Ireland to purchase Premises for the Enlargement of the General Post Office in the City of Dublin.' The whole.

55 Geo. 3. c. 91, (Local Act.) 'An Act for enlarging and improving the West End of Cheapside in the City of London, also, Saint Martin's-le-Grand, Aldersgate Street, Saint Anne's Lane, and Foster Lane; and for providing a Site for a new Post Office between Saint Martin's-le-Grand and Foster Lane aforesaid.' The whole.

55 Geo. 3. c. 120, 'An Act to provide for the taking an Account of the Population of Ireland, and for the ascertaining the Increase or Diminution thereof.' So much as relates to the Post Office.

5 Geo. 4. c. 5, 'An Act for enabling a Conveyance to be made of Part of a House in Lombard Street, vested in the Right Honourable Henry Frederick Lord Carteret, formerly His Majesty's Postmaster General.' The whole.

5 Geo. 4. c. 85, 'An Act for amending an Act of the last Session of Parliament relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction, in England and Wales.' The whole.

1 Will. 4. c. 27, 'An Act for enabling His Majesty's Postmaster General to sell the Premises lately used as the Post Office in Lombard Street, Abchurch Lane, and Sherborne Lane in the City of London.' The whole.

1 & 2 Will. 4. c. 33, 'An Act for the Extension and Promotion of Public Works in Ireland.' The whole.

2 Will. 4. c. 4, 'An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.' The whole.

2 & 3 Will. 4. c. 86, 'An Act to amend an Act of the Forty-fifth Year of His Majesty King George the Third relating to Post Roads in Ireland.' The whole.

4 Will. 4. c. 7, 'An Act to repeal, at the Period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King George the Third, intituled, "An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen Anne and in other Acts relating to the Revenue of the Post Office," as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in North America.' The whole.

6 Will. 4. c. 25, 'An Act for granting an additional Rate of Postage on Letters between Great Britain and Ireland by way of Milford and Waterford.' So far as relates to the Application of the Rates and the Repair of Roads.

6 & 7 Will. 4. c. 116, 'An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland.' So much as relates to the provisions for the more speedy and effectual repair of roads in Ireland upon which Her Majesty's mails are carried.

CAP. XXXIII.

AN ACT for the Management of the Post Office.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Commencement of Act.*
2. *Creation of the exclusive privilege of the Post Office.—Exceptions from the exclusive privilege of the Post Office.—Special prohibitions.*
3. *General Post Office, London ;—*
4. *In other places.*
5. *Cross letter posts.*
6. *Twopenny and Penny Posts.*
7. *Indemnity for increased charge of extending Post Office accommodations.*
8. *Postmaster General subject to Her Majesty's orders.*
9. *Power to appoint deputies.*
10. *Condition to be observed before office in Post Office can be held.*
11. *Saving of patent of Postmaster General, and other appointments.*
12. *Persons employed by the Post Office exempted from certain offices.*
13. *Moneys to be paid into the Exchequer.*
14. *Charges of Post Office how to be paid.*
15. *Reciprocal application of the revenues of the British and Irish Post Offices to the service of each other.*
16. *Separate accounts of certain revenues.*
17. *Duty of Accountant General.*
18. *Tolls on mails not demandable at gates, but to be paid periodically by Post Office.—Tolls in Scotland.—Tolls in Ireland.*
19. *Exemption from tolls in favour of the mails ;—England ;—Scotland ;—Ireland.*
20. *Acts of the Treasury how to be signified.*
21. *Interpretation clause.*
22. *Act may be altered.*

By this Act,

After reciting the passing of 1 Victoria, c. 32,—

It is Enacted,

1. That on the day on which the recited Act shall come into operation this Act shall come into operation for the management of the Post Office within the United Kingdom of Great Britain and Ireland and all other Her Majesty's dominions and territories.

II. That Her Majesty's present Postmaster General, and the person or persons to be from time to time hereafter appointed by the Queen's Majesty by letters patent under the great seal of Great Britain, shall be the Master of the Post Office by the style of Her Majesty's Postmaster General ; and wheresoever within the United Kingdom and other Her Majesty's dominions posts or post communications are now or may be hereafter established, the Postmaster General, by himself or by his deputies and their respective servants and agents, shall have the exclusive privilege of conveying from one place to another all letters, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases ; (that is to say,)

Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the party to whom they shall be directed :

Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver thereof :

Commissions or returns thereof, and affidavits and writs, process or proceedings, or returns thereof, issuing out of a Court of Justice :

Letters sent out of the United Kingdom by a private vessel (not being a packet boat) :

Letters of merchants, owners of vessels of merchandise, or the cargo or loading therein, sent by such vessels of merchandise, or by any person employed by such owners for the carriage of such letters, according to their respective directions, and delivered to the respective persons to whom they shall be directed, without paying or receiving hire or reward, advantage or profit for the same in anywise :

Letters concerning goods or merchandise sent by common known carriers, to be delivered with the goods which such letters concern, without hire or reward or other profit or advantage for receiving or delivering such letters :

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized :

And the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter, although they shall not receive hire or reward for the same ; (that is to say,)

Common known carriers, their servants or agents, except a letter concerning goods in their carts or waggons or on their pack horses, and owners, drivers, or guards of stage coaches :

Owners, masters, or commanders of ships, vessels, steam boats, or boats called or being passage or packet boats, sailing or passing coastwise or otherwise between ports or places within Great Britain or Ireland, or between, to, or from a port or ports within Her Majesty's dominions or territories out of the United Kingdom, or their servants or agents, except in respect of letters of merchants, owners of ships or goods on board :

Passengers or other persons on board any such ships, vessels, steam boat, passage or packet boat :

The owners of, or sailors, watermen, or others on board a ship, vessel, steam boat, or other boat or barge passing or re-passing on a river or navigable canal within the United Kingdom or other Her Majesty's dominions.

III. That there shall be one General Post Office in the city of London, where letters may be received from all places within the United Kingdom and parts beyond the seas, and whence all letters may be despatched to all places within the United Kingdom and parts beyond the seas.

And to the intent that there may be other chief letter offices from which the distances for which the rates of postage granted by the Post Office Acts may be computed,—

It is Enacted,

IV. That the Postmaster General may keep a chief letter office at each of the following places ; (that is to say,)

The city of Edinburgh,

The city of Dublin,

The Isle of Man,

The Islands of Jersey and Guernsey,

Each of Her Majesty's provinces or colonies in North America,

Each of the islands of the West Indies,

And in any other of Her Majesty's provinces or dominions wheresoever.

And in any other places abroad where he shall deem the same expedient.

V. That the Postmaster General may establish any cross posts or stages between any places, and may continue posts of that description which are already established ; and he may continue bye-bags as hath been heretofore accustomed, the respective postages of letters conveyed thereby being duly accounted for and paid by the officers receiving the same to the Receiver General of the Post Office for the use of Her Majesty ; and he may undertake, at the expense of the Post Office, the conveyance of letters by post (including the incidental services of collection and delivery) between post towns and places not post towns, and between one place and another, both not being post towns, at such rates of postages for such extra services as may from time to time be mutually agreed upon between the Postmaster General and the inhabitants respectively ; nevertheless, the inhabitants of places where any such convention posts shall be established may carry or recarry, or employ any person to carry or recarry, any letters between such places respectively.

VI. That the Postmaster General may extend the Twopenny Post of London to any distance from London he may think fit ; and, with the consent of the Lord Lieutenant, may extend the Penny or Twopenny Post of Dublin to any distance from Dublin ; and he may establish a Penny Post Office in any other city or town, or the suburbs thereof, or places adjacent, within the United Kingdom or other Her Majesty's dominions, and may continue as long as he may deem expedient all posts of that description now established ; and he may from time to time alter the limits of any Twopenny or Penny Posts.

VII. That the Postmaster General may enter into an agreement with or take security from any person applying to him to extend the accommodations of the Post to any place for indemnifying the revenue against the expenses which shall be incurred thereby beyond the amount of postages received, and the indemnification may be either for the whole or part of the expenses incurred, and for such time as the Postmaster General shall think necessary.

And for the better management of the Post Office,—

It is Enacted,

VIII. That the Postmaster General shall observe such orders and instructions concerning the settlement of posts and stages upon the several roads, cross roads, and bye-ways within the United Kingdom and other Her Majesty's dominions, as Her Majesty shall from time to time give in that behalf.

IX. That the Postmaster General may appoint sufficient deputies, agents, and servants under him, for the better managing the Post Office revenue at the several places within the United Kingdom and other Her Majesty's dominions where posts or post communications shall be established ; and whenever the Postmaster General is by the Post Office laws empowered or required to do any act, all such deputies, servants, and agents, according to the nature and extent of their commission or deputation or appointment, shall be construed to be so empowered or required, unless the contrary be expressed therein.

X. That no person hereafter appointed shall be capable of holding the office of Postmaster General, or of being an officer of the Post Office, unless such person shall have first made and subscribed the declaration contained in the Schedule hereunto annexed before a Justice of the Peace acting for the place where such person resides, which declaration such Justice shall (on application to that effect) administer and take accordingly.

XI. That the letters patent granted by his late Majesty, and dated the 30th of May 1835, appointed the Right Honourable Thomas William Earl of Lichfield to the office of Postmaster General for the United Kingdom and other Her Majesty's dominions, by the name of " His Majesty's Postmaster General," and all powers, privileges, and pre-eminences to the office of Postmaster General belonging and in force at the commencement of this Act, shall continue in force as if the same had been afterwards granted by virtue of this Act ; and that all commissions, deputations, and appointments granted to any of the officers of the Post Office in force at the commencement of this Act shall continue in force as if the same had been afterwards granted by virtue of this Act ; and that all bonds to the Crown, or any other person on behalf of the Crown, which shall have been given by such officers and their respective sureties for good conduct in their respective offices or otherwise, shall remain

in force, and that the Postmaster General shall have all the same powers and immunities, rights and privileges, as the two Postmasters General of Great Britain and Ireland would have been entitled to in right of their respective offices in case they had been separately appointed by letters patent under the great seal of Great Britain and Ireland respectively; and that all contracts and agreements or other engagements entered into by, with, or between Her Majesty's Postmaster General for the time being in Great Britain and Ireland and any other person, and all bonds, instruments, or other securities for the due performance of the same, shall be of the like force as the same would have been, in case the said recited Act, 1 Vict. c. 32, intitled, 'An Act to repeal the several Laws relating the Post Office,' had not been passed.

And to the end that the Postmaster General and his officers may not be hindered in their respective employments,—

It is Enacted,

XII. That no Postmaster General nor any officer of the Post Office shall be compelled to serve as a mayor or sheriff, or in any ecclesiastical or corporate or parochial or other public office or employment, or to serve on any jury or inquest, or in the militia; any law or custom to the contrary thereof notwithstanding.

XIII. That the monies to arise by the several duties granted by the Post Office Acts (except the monies which shall be necessary to defray such expenses as shall be incurred in the receipt and management of the same, and except all annuities and yearly sums now charged thereon by law,) shall be paid into the receipt of Her Majesty's Exchequer, and carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

XIV. That all charges, outgoings, and disbursements necessary for the receipt and management of the duties of postage, and all other expenses attending the management of the Post Office and the due execution of the several Post Office Acts, shall be allowed and paid in like manner as the same have heretofore been allowed and paid.

And after reciting that there is a separate receivership and accountancy of the Post Office revenues in Great Britain and Ireland respectively, and such revenues are paid into Her Majesty's Exchequer in different ways;—

It is Enacted,

XV. That the Postmaster General may apply to the revenue of the Post Office of Great Britain the amount of all rates of postage received in Great Britain on letters sent to or from Ireland, and may apply to the revenue of the Post Office of Ireland the amount of all rates of postage received in Ireland on letters sent to or from Great Britain, and all sums so received shall be paid and applied as the revenue of postage arising in Great Britain and Ireland respectively.

XVI. That at the time of paying the Post Office revenue into Her Majesty's Exchequer the respective Receivers General of England and Ireland shall distinguish in their accounts the respective additional rates of postage granted in respect of the Menai and Conway Bridges, and on letters conveyed by way of Milford and Waterford; and having deducted in such accounts the necessary charges of paying, collecting, and accounting for the same, shall pay the amount thereof into the Exchequer, on account of the persons by law entitled to receive the same, to be carried to the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and to be applied as the same respectively are now or shall at any time hereafter be applicable by law.

XVII. That the Postmaster General shall cause an account to be kept by an Accountant General in England and Ireland respectively of all monies arising from the duties of postage as they shall from time to time be brought into the Post Office to the hands of the Receivers General of the Post Office in England or Ireland: Provided always, that the powers, authorities, and duties of the said Accountant General shall be to the extent and shall be exercised in the like manner as they have heretofore existed and been exercised under the provisions of any Act in force at the commencement of the present session, notwithstanding anything in the Post Office Acts to the contrary, subject to such alterations and regulations as may from time to time be made by the Postmaster General, with the concurrence of the Lords of the Treasury.

And in order that the progress of Her Majesty's mails may not be retarded by the demand of tolls at toll gates or other places where tolls are by law chargeable on horses and carriages passing such places,—

It is Enacted,

XVIII. That no person shall demand any toll upon the passing of any carriage or horse conveying the mail at places where tolls are otherwise demandable, but such tolls shall be accounted for and paid by Her Majesty's Postmaster General according to the following provisions; (that is to say,)

The tolls leviable in Scotland shall be paid out of the revenue of the Post Office in Scotland at such time and in such manner as may be agreed upon between the several trustees entitled to receive the same and Her Majesty's Postmaster General, but so that payment shall be made at least once in every three calendar months; and the trustees of any turnpike road in Scotland may enter into any agreement with Her Majesty's Postmaster General as to the amount of tolls that shall be paid for a mail coach travelling along such turnpike road, without any limitation as to the amount of the tolls to be payable, or the number of years for which such agreement shall subsist; nevertheless, when such an agreement shall not be made, or being made shall not be performed, then the several tolls leviable for such carriage or horses carrying the said mail or packet may be recoverable in the name of the respective treasurers or clerks of the respective trusts in the Court of Session in Scotland by summary application against Her Majesty's Postmaster General:

And with respect to the tolls leviable in Ireland the Postmaster General shall cause an account to be kept of all tolls payable for four-wheel carriages carrying Her Majesty's mail at the respective turnpike gates, either on turnpike roads or at the ends of bridges through which they shall pass, and shall from time to time cause the amount thereof to be paid by equal quarterly payments to the treasurers of the turnpike roads and to the treasurers of the bridges or other persons to whom such tolls are respectively payable; but no mail coach, mail diligence, or mail cart conveying or employed to carry any mail or bag of letters in Ireland shall be charged with any toll more than once in the same division of road in the same day, calc-

lating from twelve of the clock at night till twelve of the clock the succeeding night, and no change of horses shall subject any such coaches, diligence, or cart to any additional toll at any turnpike gate whatsoever, except where any additional toll shall be payable by virtue of any Act in force immediately preceding the passing of the Act for repealing the several laws relating to the Post Office first herein recited.

And in order that the charges of the Post Office may not be unnecessarily increased by the addition of other charges of a public nature,—

It is Enacted.

XIX. That no toll shall in England be demanded or taken by virtue of any Act or Acts of Parliament, on any turnpike road for any horses or carriages of whatever description employed in conveying mails or expresses under the authority of the Postmaster General, either when employed in conveying, fetching, or guarding such mails or expresses, or in returning back from conveying or guarding the same, except where such horses or carriages were legally chargeable with toll immediately preceding the passing of the Act for repealing the several laws relating to the Post Office first herein recited; and no turnpike tolls shall in Scotland be charged on carriages with two wheels conveying only the mail or packet, with their driver, and any horse or horses drawing the same, and any horse not drawing employed in conveying the said mail or packet; and no turnpike tolls shall in Ireland be charged on carriages with two wheels conveying the mail or packet, and any horse or horses drawing the same, and any horse not drawing, employed in conveying the said mail or packet, except where any such respective horses or carriages were legally chargeable with toll immediately preceding the passing of the Act for repealing the several laws relating to the Post Office first herein recited.

XX. That wherever the consent or direction or any other act of the Lords of the Treasury is prescribed by the Post Office Acts, such consent or direction or any other act may be signified either under the hands of the Lords of the Treasury or any three of them, or under the hand of one of their secretaries or assistant secretaries.

xxi. That all the provisions of this Act shall be construed according to the respective interpretations of the terms and expressions contained in 1 Vict. c. 36, intituled, 'An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws; and for explaining certain Terms and Expressions employed in those Laws,' so far as those interpretations are not repugnant to the subject or inconsistent with the context of such provisions.

XXII. That this Act may be repealed or altered during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

I do solemnly and sincerely declare, That I will not wittingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my Duty, any Letter or anything sent by the Post which shall come into my Hands or Custody by reason of my Employment relating to the Post Office, except by the Consent of the Person or Persons to whom the same shall be directed, or by an express Warrant in Writing under the Hand of One of the Principal Secretaries of State [or, as to Ireland, under the Hand or Hands of the Lord Lieutenant, or other Chief Governor or Governors of Ireland] for that Purpose, or except in such cases where the Party or Party to whom such Letter or anything sent by the Post shall be directed, and who is or are chargeable with the Payment of the Postage thereof, shall refuse or neglect to pay the same, and except such Letters or anything sent by the Post as shall be returned for Want of true Directions, or when the Party or Parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such Letter or anything sent by the Post as aforesaid; and I make this solemn Declaration conscientiously intending to fulfil and obey the same, and by virtue of the Provisions of an Act passed in the First Year of the Reign of Her Majesty Queen Victoria, intituled, "An Act for the Management and Regulation of the Post Office."

This Declaration was made before me the Day of

CAP. XXXIV.

AN ACT for the Regulation of the Duties of Postage.

(12th July 1857.)

ABSTRACT OF THE ENACTMENTS.

1. *Act shall come into operation on the same day as 1 Victoria, c. 32.—viz. 1st August, 1837.*
2. *Rates of postage to be payable, and how and by whom to be paid.*
3. *British inland postage.*
4. *Irish inland postage.*
5. *Further additional rates where letters transmitted partly through Great Britain and partly through Ireland.*
6. *Additional packet rates.*
7. *Menai and Conway Bridge postage.*
8. *London Twopenny Post rates.*
9. *Dublin Penny Post.*
10. *Penny Post in towns in any of Her Majesty's dominions other than London or Dublin.*

11. *Limitation as to weight of letters.*
12. *Packet rate between the United Kingdom and the Colonies.*
13. *Foreign rates.—Reduction of inland rates on foreign letters.*
14. *Postmaster empowered to treat with foreign countries.*
15. *Foreign postage marked on letter conclusive evidence thereof.*
16. *Postmaster, with consent of the Treasury, may reduce rates.*
17. *Establishment of new packet rates.—Postmaster empowered to charge proportionate rates;—subject to authorization of Parliament.*
18. *Power to contract with private vessels to carry mails.*
19. *Ship letter rates.*
20. *Sea postage on letters not brought by packet boats.*
21. *East India postage.*
22. *East India postage on letters not sent by packet boat.*
23. *Exemption from ship letter postage.*
24. *Regulations respecting ship letters.—Remuneration to masters of vessels.—East India vessels are to carry letters without remuneration.—Masters to cause letters to be delivered to Post Office at earliest opportunity;—to make a declaration of delivery.—No vessels to be permitted to break bulk till all letters are delivered.—Exceptions.—Customs officers may seize letters, and shall have half the penalties.*
25. *Registry of letters.*
26. *Computing the rates of postage.—British letters;—Foreign letters.—Merchants' accounts.*
27. *Survey of roads for standards of distances whereby to compute postages.*
28. *Special rates respecting newspapers, &c.*
29. *Not compulsory to send newspapers by Post.*
30. *Conditions to be observed in sending printed papers by Post.*
31. *Power to search papers sent by Post.*
32. *Postmaster and Treasury to determine questions.*
33. *Transmission of newspapers between the United Kingdom and foreign countries.*
34. *Postmaster empowered to reimpose the foreign duty on newspapers.*
35. *Transmission of newspapers free between the Colonies and foreign countries.*
36. *Time within which British newspaper to be sent abroad in order to be postage free must be put in the Post.*
37. *Foreign newspapers addressed to a person who has removed to be forwarded without additional postage.*
38. *Allowance to master of vessel for carrying newspapers.*
39. *Bankers' parcels;—Conditions;—may be searched.*
40. *Soldiers or seamen's letters.—Enumeration of persons privileged.—Exclusion of certain persons.—Conditions to be observed in sending letters of this class.—Conditions to be observed in regard to letters of this class received.—Additional sea postage to be paid in certain cases.—Soldiers and seamen's letters exempt from local rates in certain cases.*
41. *If an officer has removed postage not to be charged on letters forwarded to him.*
42. *Interpretation clause.*
43. *Act may be altered this session.*

By this Act,

After reciting the passing of 1 Victoria, c. 32,—

It is Enacted,

I. That on the day on which the recited Act shall come into operation this Act shall come into operation for providing for the payment of the duties of postage.

II. That the respective rates of postage hereinafter set forth shall be charged by Her Majesty's Postmaster General, for the use of Her Majesty, on all letters not specially exempted from postage, which shall be transmitted by Post; and such postage shall be paid as follows:—In all cases in which it shall be so required by the Post Office Acts, or by any regulations made by the Postmaster General in pursuance thereof, the postage shall be paid by the sender on delivering the letter to the Post Office; in other cases it shall be optional with the sender to pay the postage on delivering the letter to the Post Office; and if the postage shall not have been paid by the sender it shall be paid by the person to whom the letter is addressed, on the delivery thereof to him; but nevertheless, if the letter be refused, or the party to whom it is addressed shall be dead or cannot be found, the writer or sender shall pay the postage; and this enactment shall apply to every packet, newspaper, and periodical publication, and everything whatsoever chargeable with postage, which shall be transmitted by the Post.

III. That the rates of inland postage for letters transmitted by the General Post within Great Britain, and within the islands of Jersey, Guernsey, and the Isle of Man, shall be as follows:—

For every single letter to a place at any distance from the Post Office where the letter shall be put in—

| | | | Miles. | s. | d. |
|-----------------------------------|----|----|--------|----|-----|
| Not exceeding | .. | .. | 15 | .. | 0 4 |
| Exceeding 15 and not exceeding 20 | .. | .. | 20 | .. | 0 5 |
| 20 | .. | .. | 30 | .. | 0 6 |
| 30 | .. | .. | 50 | .. | 0 7 |
| 50 | .. | .. | 80 | .. | 0 8 |
| 80 | .. | .. | 120 | .. | 0 9 |

| | Miles. | s. | d. |
|--|--------|----|----|
| Exceeding 120 and not exceeding 170 | .. | 0 | 10 |
| 170 230 | .. | 0 | 11 |
| 230 300 | .. | 1 | 0 |
| And for every 100 miles above 300 | .. | 0 | 1 |
| And for every fractional part of a distance of 100 miles above 300 | .. | 0 | 1 |
| And for every letter conveyed by the Post in any part of Scotland by a mail carriage now or hereafter established with more than two wheels, an additional rate of | .. | 0 | 0½ |

iv. That the rates of inland postage for letters transmitted by the General Post within Ireland shall be as follows:—

For every single letter to a place at a distance (computed by Irish miles) from the office where the letter shall be put in—

| | Miles, Irish measure. | s. | d. |
|--|-----------------------|----|----|
| Not exceeding 7 | .. | 0 | 2 |
| Exceeding 7 and not exceeding 15 | .. | 0 | 3 |
| 15 25 | .. | 0 | 4 |
| 25 35 | .. | 0 | 5 |
| 35 45 | .. | 0 | 6 |
| 45 55 | .. | 0 | 7 |
| 55 65 | .. | 0 | 8 |
| 65 95 | .. | 0 | 9 |
| 95 120 | .. | 0 | 10 |
| 120 150 | .. | 0 | 11 |
| 150 200 | .. | 1 | 0 |
| 200 250 | .. | 1 | 1 |
| 250 300 | .. | 1 | 2 |
| And for every 100 miles above 300 | .. | 0 | 1 |
| And for every fractional part of a distance of 100 miles above 300 | .. | 0 | 1 |

v. That where a letter shall be transmitted by the Post over a distance in Great Britain as well as over a distance in Ireland the like rates of postage shall be payable for the whole distances both in Great Britain and Ireland as would be payable on letters sent for the whole of such distances within Great Britain only, in addition to the packet rates which may be payable for letters transmitted between Great Britain and Ireland.

vi. That the following additional rates shall be payable for every single letter transmitted by packet boat; (*videlicet*)

| | s. | d. |
|--|----|-----|
| Between the ports of Portpatrick in Scotland and Donaghadee in Ireland | .. | 0 4 |
| Between either Holyhead or Milford Haven and any port in Ireland | .. | 0 3 |
| Between Liverpool and Dublin or any other port in Ireland | .. | 0 8 |

Nevertheless no letter sent between Great Britain and Ireland by way of Liverpool shall be charged a higher postage than if it were sent by way of Holyhead; nor shall any letter sent between Ireland and Great Britain, or any place beyond the seas, be charged with any postage for conveyance between Kingstown and Dublin, or between Dunmore and Waterford; nor shall any letters between Kingstown and Dunmore and any place in Great Britain be charged more than for the actual distance between Kingstown and Dunmore and any such place in Great Britain.

vii. That the following further additional rates shall be payable on every single letter transmitted to or from Ireland; (that is to say,)

| | s. | d. |
|--|----|------|
| By way of Holyhead in respect of Menai Bridge | .. | 0 1 |
| By way of Conway and Chester in respect of Conway Bridge | .. | 0 1 |
| By way of Milford and Waterford | .. | 0 0½ |

viii. That the rates for letters transmitted by the Twopenny Post in London shall be as follows:—

| | s. | d. |
|--|----|-----|
| For every letter transmitted by such Post between places within the limits of delivery for the time being of the General Post | .. | 0 2 |
| For every letter transmitted by such Post between a place within the said limits and any place beyond the same, or between places both of which are beyond the said limits | .. | 0 3 |
| And for every letter originally sent by the General Post directed to places beyond the said limits and delivered by the Twopenny Post, and for every letter originally sent by the Twopenny Post, and afterwards passing through the General Post, in addition to all other rates chargeable thereon | .. | 0 2 |

ix. That the rates for letters transmitted by the Penny Post in Dublin shall be as follows:—

| | s. | d. |
|--|----|-----|
| For every letter transmitted by such Post between places within the limits of such Penny Post | .. | 0 1 |
| And for every letter transmitted between places within the said limits and places beyond them, or between places both of which are beyond the said limits | .. | 0 2 |
| And for every letter originally sent by the General Post directed to places beyond the limits of the said General Post in Dublin and delivered by the Penny Post, and for every letter originally sent by the said Penny Post, whether within the said limits or not, and afterwards passing through the General Post, in addition to all other rates chargeable thereon | .. | 0 1 |

Nevertheless the limits of the Twopenny and Penny Post, both of London and Dublin, as now fixed, shall be subject to such alteration and extension as shall from time to time be made by the Postmaster General.

x. That every letter transmitted by a Penny Post established or to be established in or from or to any city, town, or place in the United Kingdom or other Her Majesty's dominions (other than London or Dublin) shall (whether passing through the General Post or not) be liable to a rate of one penny for transmission by any such Post.

xI. That no letter which shall exceed the weight of four ounces shall be forwarded by a Twopenny or Penny Post, unless it shall have first passed or unless it shall be afterwards to pass by the General Post.

xII. That the rates of packet postage for letters transmitted by Post between the United Kingdom and Her Majesty's Colonies shall (in addition to any inland postage incurred by transmission for any distance within the United Kingdom) be as follows; (that is to say,)

| For every single letter | s. | d. |
|---|----|----|
| Between the port of Weymouth and any port in Jersey or Guernsey | 0 | 3 |
| Between any port in Jersey and any port in Guernsey | 0 | 3 |
| Between the port of Liverpool and any port in the Isle of Man | 0 | 6 |
| Between the port of Falmouth and any port in the British Dominions in North America or the West Indies | 1 | 3 |
| Or between any other convenient ports than such as are above named, from or to which the Post Office packets may from time to time be despatched. | | |

xIII. That the rates of foreign postage for letters transmitted by Post between the United Kingdom and foreign parts shall be as follows; (that is to say,)

| For every single letter | s. | d. |
|---|----|----|
| Between London and France | 0 | 10 |
| Between Dover and Calais (not to or from London) | 0 | 3 |
| Between London and Germany by way of France | 1 | 4 |
| Between London and Switzerland by way of France | 1 | 2 |
| Between London and Spain by way of France | 1 | 7 |
| Between London and the following places by way of France; (<i>videlicet</i> ,) Italy, Sicily, Venetian Lombardy, Malta, the Ionian Islands, Greece, Turkey, the Levant, the Archipelago, Syria, or Egypt | 1 | 7 |
| Between London and Holland | 1 | 4 |
| Between London and Belgium | 1 | 4 |
| Between London and Switzerland | 1 | 8 |
| Between London and Germany | 1 | 8 |
| Between London and Denmark | 1 | 8 |
| Between London and Sweden and other parts of the north of Germany | 1 | 8 |
| Between London and Spain otherwise than by way of France | 2 | 2 |
| Between London and the following countries through Belgium or Holland or Germany; (<i>videlicet</i> ,) Italy, Sicily, Venetian Lombardy, Malta, the Ionian Islands, Greece, Turkey, the Levant, the Archipelago, Syria, or Egypt | 1 | 8 |

Nevertheless all foreign letters herein rated between London and a place abroad which shall be sent to or from any place in the United Kingdom without coming to or passing through London, shall be charged as if they had been sent from or to London (letters from or to France only excepted):

And the rates of foreign postage for every single letter transmitted by packet boats exclusively shall be as follows:—

| | s. | d. |
|---|----|----|
| Between a port in the United Kingdom and Lisbon or any other port in Portugal | 1 | 7 |
| Between a port in the United Kingdom and the town or fortress of Gibraltar | 1 | 11 |
| Between a port in the United Kingdom and the island of Malta, the Ionian Islands, the kingdom of Greece, or any port in Syria or Egypt | 2 | 3 |
| Between the town or fortress of Gibraltar (not having been first conveyed thither from the United Kingdom) and the island of Malta, the Ionian Islands, Greece, Syria, or Egypt | 0 | 8 |
| Between a port in the United Kingdom and the island of Madeira | 1 | 8 |
| Between a port in the United Kingdom and any port in the island of Cuba in the West Indies or any port in Columbia or Mexico | 2 | 1 |
| Between any ports in the British possessions in the West Indies and any port in Columbia or Mexico | 1 | 0 |
| Between any port in the United Kingdom and Brazil | 2 | 7 |
| Between any port in the United Kingdom and Buenos Ayres or any other ports on the continent of South America (other than Columbia, Brazil, or Mexico) | 2 | 5 |
| Between any port in the United Kingdom and any ports in the island of Saint Domingo | 1 | 3 |

And the foregoing rates shall be in addition to any inland or other postage for transmission within the United Kingdom, except that letters herein rated between London and a place abroad shall not be charged any inland rate for the distance between London and the outport at which the packet boats conveying the same shall be stationed, but for the distance any such letters shall be conveyed to London (when going outwards) or from London (when coming inwards) the inland rates shall be payable:—

Nevertheless the inland rates on any such foreign letters shall be subject to the following reductions: (that is to say.)

For every letter between London and France, or between London and any country on the continent of Europe, Malta, Sicily, the Ionian Isles, Turkey, Levant, or the Archipelago (passing through France, Belgium, Holland, or Germany, or between London and Spain otherwise than through France):

| | | |
|--|----|-----|
| If put in the Post Office beyond twenty miles from London, or delivered by the Post Office at any place exceeding that distance from London, on each single letter | s. | d. |
| | 0 | 2 |
| If put in the Post Office or delivered by the Post Office at any place not exceeding twenty miles from London, on each single letter | .. | 0 1 |

And a proportionate reduction in both cases for double, treble, and ounce letters:

And for every letter sent by packet boat to Portugal or Gibraltar, or the British dominions in America or the West Indies (except Cuba and St. Domingo), or Malta, or the Ionian Isles, or the Kingdom of Greece, Syria or Egypt, Madeira or Brazil, or received by packet boats from those places, the inland rate for every single letter shall be reduced *1d.*, with a proportionate reduction for double, treble, and ounce letters; but no reduction shall be made on letters sent to or received from Buenos Ayres, Columbia, Mexico, Cuba, or St. Domingo.

And for the regulation of the communication by Post with foreign countries:—

It is Enacted,

XIV. That in all cases in which there shall be a treaty between the Postmaster General and the Post Office of a foreign country for collecting and accounting for the British postage on foreign letters sent by the Post from the United Kingdom to that foreign country, or to any other foreign country, the Postmaster General may, so long as the treaty or agreement shall continue in force, receive upon any such foreign letter, from the sender, the postage both British and foreign in one entire sum, and upon foreign letters addressed to places within Her Majesty's dominions may, whether there shall be any such treaty or not, charge the foreign postage in addition to the British postage, and he may account for and pay over to the foreign countries entitled to receive the same the amount of all such foreign postage; and it shall be optional with the sender of a foreign letter to a foreign country included in such treaty, or to which the same shall extend, either to pay the British and foreign postage thereof in one entire sum, or to send the letter without paying any postage either British or foreign, or he may otherwise pay the British postage only; and, subject to this enactment, the Postmaster General may cause the postage of all letters sent out of the United Kingdom to be paid on being put into the Post Office.

XV. That the foreign postage marked on a letter brought into the United Kingdom shall in all courts of justice and other places be received as conclusive evidence of the amount of foreign postage payable in respect of such letter, in addition to the British postage, and such foreign postage shall be recoverable within the United Kingdom and other Her Majesty's dominions as postage due to Her Majesty.

XVI. That the Postmaster General may at any time reduce all or any of the British rates of postage on foreign letters to such extent as the Lords of the Treasury shall from time to time direct.

And after reciting that it may be expedient that packet boats should be established to Her Majesty's colonies and foreign parts where rates of postage have not hitherto been authorized, and at a time when Parliament may not be sitting:—

It is Enacted,

XVII. That from the establishment of any such packet boats, the Postmaster General may, with the consent of the Lords of the Treasury, charge for all letters conveyed by such packet boats to the new packet port the rates payable for letters transmitted between the United Kingdom and the packet port nearest to any such new packet port: Provided nevertheless, that in the then next session of Parliament such packet rates to such new packet port shall be authorized by law.

XVIII. That the Postmaster General may contract for the conveyance of mails of letters by British vessels between any places whatsoever, and may forward the same accordingly, and charge for such conveyance the packet rates of postage.

XIX. That the Postmaster General may collect and receive letters directed to any place in the United Kingdom, or any other place within Her Majesty's dominions or any foreign countries (the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies excepted), and may forward the same by any vessels, although not packet boats or ships by which he shall have contracted for the conveyance of mails, and may charge for all letters delivered to the Post Office for conveyance in that manner at the time of such delivery the following rates of postage; (that is to say,)

| | | |
|---|----|-----|
| For every single letter, except between Great Britain and Ireland, posted at the port from which the ship | s. | d. |
| shall sail or at which she touches, a rate of | .. | 0 8 |
| If posted at any other part of the United Kingdom | .. | 1 0 |
| And between Great Britain and Ireland, or any port or place in Great Britain or Ireland, in addition to any inland rates, for every single letter | .. | 0 8 |

XX. That the Postmaster General may charge for every single letter brought into the United Kingdom by vessels other than packet boats from places within Her Majesty's dominions, and any kingdoms and countries beyond the seas (the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies excepted), a sea postage, in addition to any inland rates, of *8d.*

XXI. That for every letter which shall be brought into the United Kingdom by any vessel arriving from Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope the following sea postage, in addition to any inland postage, shall be payable; (that is to say,)

| | | |
|---|----|----------------|
| For every letter not exceeding the weight of three ounces | s. | d. |
| | 0 | 4 |
| If exceeding the weight of three ounces | .. | 1 0 per ounce. |

rates payable under the Post Office Acts, as the Postmaster General, with the consent of the Lords of the Treasury, shall from time to time direct (but such registration shall not render the Postmaster General of the Post Office revenue in any manner liable for the loss of any such post letters or the contents thereof); and all registered letters shall be delivered to the Post Office and also be delivered by the Post Office at or between such hours in the day and under all such regulations in every respect as the Postmaster General shall from time to time appoint, and the Postmaster General may therein require such registration rate to be paid on the letter being put into the Post Office.

And for computing the several rates of postage by the General Post :—

It is Enacted,

XXVI. That every post letter (not a foreign letter) consisting of one sheet or a single piece of paper under the weight of one ounce shall be charged as a single letter; and every letter consisting of two sheets or two pieces of paper, or containing any inclosure, shall be charged with double the rate of a single letter; and every letter consisting of three sheets or three pieces of paper, or containing two inclosures, shall be charge with treble the rate of a single letter; and no letter shall be charged at a higher rate than a treble letter, unless it be one ounce in weight, and in that case, whether it be a single or double or treble letter, it shall be charged for one ounce four times the postage of a single letter, and for every quarter of an ounce beyond that weight the postage of a single letter; and all additional rates of postage shall be chargeable in like manner: and the postage of foreign letters shall be computed thus :—Letters between the United Kingdom and France or between the United Kingdom and any other country, island, or place, passing through France, shall be charged for every letter consisting of one single piece of paper not exceeding one ounce in weight; and for any letter, whatever may be the number of inclosures, not exceeding one quarter of an ounce in weight, the postage of a single letter; and for every letter containing one inclosure only, and not exceeding one ounce in weight, the postage of a double letter; and for every letter containing more than one inclosure, whatever the number of such inclosures may be, exceeding one quarter of an ounce, but not exceeding one half of an ounce in weight, the postage of a double letter; and for every such last-mentioned letter exceeding half an ounce and not exceeding one ounce in weight the postage of a treble letter; and for every such letter exceeding one ounce in weight the postage of four single letters; and for every quarter of an ounce above that weight the postage of a single letter: And the postage of all other foreign letters shall be charged and computed thus :—for every single letter not exceeding the weight of an ounce a single postage; for every letter containing one inclosure only double the postage of a single letter; and for every treble letter treble the postage of a single letter; and for every ounce in weight four times the postage of a single letter; and for every quarter of an ounce above that weight the postage of a single letter: And with respect both to British and foreign letters, all merchants' accounts, bills of exchange, stamped receipts, invoices, bills of lading, and proceedings at law, written on one and the same piece of paper with a letter, shall be allowed without rate in the price of the letter; and any piece or sheet of paper upon which letters to several and distinct persons shall be written shall not be chargeable with a higher rate of postage than if one letter only were written upon such sheet or piece of paper.

And to the end that all post letters may be charged with postage according to the distance they are respectively carried by the Post, and for preventing disputes touching the same :—

It is Enacted,

XXVII. That the Postmaster General may appoint persons to survey or measure, by the wheel or otherwise, all the post roads which are now established or which shall hereafter be established in any part of Great Britain or Ireland and other Her Majesty's dominions; but before the surveys shall be made the persons appointed shall be sworn to perform the same according to the best of their skill and judgment; and the oath shall be administered by a Justice of the Peace, who shall make a certificate thereof in writing, which certificate shall be entered without fee or charge in the General Post Office of London, and in the chief Post Offices of Edinburgh and Dublin, and in the chief Post Offices established in any of Her Majesty's dominions; and such surveyors shall cause fair surveys or books to be made out, one of each whereof shall be left with Her Majesty's Postmaster General in London, and another of each shall be left at the chief Post Office in Edinburgh with the Postmaster General's Secretary there, and another of each of such surveys or books shall be left at the chief Post Office in Dublin with the Postmaster General's Secretary there, and another of each of such surveys or books shall be left at each of the chief Post Offices established in any other of Her Majesty's dominions with the respective deputies or agents of the Postmaster General there, to remain in the said Post Offices; and each of such surveys or books shall be signed by the person making the same, and he shall make oath of the truth of such surveys; and such oath shall be administered by a Justice of the Peace on application to that effect; and a certificate of such surveyor having sworn to the truth thereof shall be signed by the Postmaster General, or by his secretary or deputy in such chief Post Office; and the books and surveys so verified shall determine the distances on all the post roads surveyed: and in case of suspicion of error or wrong admeasurement the Postmaster General may cause new surveys to be made, and the last survey which shall be made, and shall be verified and attested in the manner hereby prescribed, shall in all courts of justice be evidence of the distances on such post roads, and all rates granted by this Act for post letters shall be paid according to such surveys.

XXVIII. That the articles enumerated in the following table may be sent free of postage, or at a reduced rate of postage, according to the rates therein set forth :—

Printed British newspapers:

Within the United Kingdom:

| | |
|--|-----------|
| By the General Post from one post town to another within the United Kingdom | Free. |
| By the General Post, and delivered by any Penny or Twopenny Post | Free. |
| By any Penny or Twopenny Post, and afterwards passing by the General Post from one post town to another | Free. |
| By any Penny or Twopenny Post, and not passing or intended to pass by the General Post | 1d. each. |
| By the General Post of a post town, addressed to a person within the limits of that place or its suburbs | 1d. each. |
| Between places within the United Kingdom: | |
| By private ships | 1d. each. |

| | |
|---|--|
| Between the United Kingdom and Her Majesty's colonies: | |
| By packet boats to any of Her Majesty's colonies and possessions beyond the seas | Free. |
| By private ships | 1d. each. |
| Printed colonial newspapers: | |
| Brought into the United Kingdom by packet boats | Free. |
| Directed to a place in any of Her Majesty's colonies beyond the seas, to pass through the United Kingdom and to be forwarded by packet boats | Free. |
| Brought into the United Kingdom by private ships, and delivered by the master at the Post Office | 1d. each. |
| Newspapers between foreign countries and the United Kingdom: | |
| Printed British newspapers: | |
| Either by packet boats or private ships, between any foreign port (not in Her Majesty's colonies or possessions) and the United Kingdom | 2d. each. |
| When British newspapers are allowed to pass by Post in a foreign country free, then British newspapers addressed to such foreign country may be transmitted to any foreign port by packet boats | Free. |
| If transmitted by private ships | 1d. each. |
| Printed foreign newspapers: | |
| Brought into the United Kingdom by packet boats or private ships | 2d. each. |
| If British newspapers are allowed to pass by Post, free, in a foreign country: | |
| Newspapers printed in that country brought by packet boat to the United Kingdom | Free. |
| If brought by private vessels | 1d. each. |
| Newspapers between the colonies and foreign countries through the United Kingdom: | |
| If sent by private ships | 1d. each. |
| Colonial newspapers sent by packet boat through the United Kingdom to a foreign state (subject to the consent of the Lords of the Treasury) | Free. |
| Foreign newspapers sent by packet boat through the United Kingdom to the colonies (subject to the like consent) | Free. |
| Parliamentary proceedings: | |
| Printed votes and proceedings of the Imperial Parliament sent to Her Majesty's colonies by packet boat: | |
| If not exceeding an ounce | 1½d. each. |
| For every additional ounce | 1½d. |
| Printed votes and proceedings of the colonial legislature sent to the United Kingdom by packet boat: | |
| If not exceeding an ounce | 1½d. each. |
| For every additional ounce | 1½d. |
| Printed prices current: | |
| To Cape of Good Hope, Ceylon, the Mauritius, and the East Indies: | |
| For each packet not exceeding an ounce | 1d. |
| For each packet exceeding an ounce | per ounce 1d. |
| Periodical publications: | |
| Pamphlets, magazines, reviews, and other periodical publications posted at Falmouth may be transmitted by packet boat to any of Her Majesty's colonies at a rate for each publication: | |
| Not exceeding six ounces in weight | s. d. 1 0 |
| For every ounce beyond that weight | 0 3 |
| Unstamped publications: | |
| Unstamped printed publications may be sent at such a rate or annual sum as the Postmaster General (with the consent of the Lords of the Treasury) shall agree upon with the editor, proprietor, or publisher. | |
| Bankers' parcels: | |
| Packets delivered at the General Post Office, London, containing re-issuable cash notes only, issued by country bankers under licence, and payable at their agents in London (and which shall have been paid by them), for conveyance to the place where the notes were issued (within Great Britain), subject to the conditions hereinafter mentioned | One fourth of the postage for a packet of that size. |
| Patterns: | |
| Packets or covers containing patterns or samples, being open at the sides, and not exceeding one ounce, and without any letter or writing in, upon, or within any such packet or cover, other than the name of the sender, his place of abode, the prices of the articles contained therein, and the name and address of the person to whom the packet or cover shall be sent | The postage of a single letter. |
| Letters not open at the sides containing patterns or samples, and not exceeding one ounce in weight | Postage of a double letter. |
| XXIX. That although newspapers may be sent by the Post, and thereupon are subject to the rate of postage set forth in the above table, it shall not be compulsory to send them by Post. | |
| XXX. That no printed paper, whether newspaper, votes and proceedings in Parliament, or other publication or thing contained in the above table, excepting bankers' parcels and pattern letters, shall be sent by Post, either free or at a reduced rate of postage, unless the following conditions shall be observed:— | |
| First, It shall be sent without a cover, or in a cover open at the sides: | |
| Second, There shall be no words or communication printed on the paper after its publication, or upon the cover thereof, nor any writing or marks upon it or upon the cover of it, except the name and address of the person to whom sent: | |
| Third, There shall be no paper or thing inclosed in or with any such paper or publication: | |
| Fourth, And the said printed papers and publications shall be put into the Post Office at such hours in the day and under | |

all such regulations as the Postmaster General may appoint, including therein the payment of postage on such as are going out of the United Kingdom when put into the Post Office, if the Postmaster General shall so require :

Fifth, All foreign newspapers brought into the United Kingdom under this Act to be printed in the language of the country from which they shall have been forwarded.

XXXI. That the Postmaster General may examine any printed paper or packet which shall be sent by the Post without a cover, or in a cover open at the sides, in order to discover whether it is contrary in any respect to the conditions hereby required to be observed, and also in the case of newspapers to ascertain in what language the newspapers brought into the United Kingdom from any foreign country shall be printed and published, and also in order to discover whether the newspapers printed and published in the United Kingdom are duly stamped ; and in case any one of the required conditions has not been fulfilled the whole of every such paper shall be charged with treble the duty of postage, except as to foreign newspapers not printed in the language of the country from which they shall have been forwarded, which shall be charged with full postage as letters ; and as to every such paper going out of the United Kingdom, the Postmaster General may either detain the paper, or forward the same by the Post charged with treble the duty of postage ; and in case a newspaper printed in the United Kingdom and transmitted by the Post under this Act shall appear not to have been duly stamped the same shall be stopped, and sent to the Commissioners of Stamps either at London or Dublin, as the case may be.

XXXII. That in all cases in which a question shall arise whether a printed paper is entitled to the privileges of a newspaper or other publication hereby privileged, so far as respects the transmission thereof by the Post under the Post Office Acts, the question shall be referred to the determination of the Postmaster General, whose decision, with the concurrence of the Lords of the Treasury, shall be final.

And for providing for the transmission of newspapers between the United Kingdom and foreign countries free of postage, when satisfactory proof shall be laid before the Postmaster General that British newspapers, addressed either to a person or to a place within a foreign country, and also that newspapers addressed to a person or to a place in the United Kingdom from such foreign country, are respectively allowed to pass by the Post within that country free of postage ;—

It is Enacted,

XXXIII. That the Postmaster General may, with the consent of the Lords of the Treasury, transmit by Post British newspapers addressed to a person or to a place in such foreign country from the United Kingdom to any port out of the United Kingdom other than Her Majesty's colonies and possessions, free from postage ; and he may, with the like consent, receive from such foreign country foreign newspapers free from postage ; or he may, with the like consent, charge for every newspaper transmitted to or received from a foreign country a rate of postage which he may consider equivalent to the rates of postage payable in that country on newspapers either transmitted from or received in that country ; but in all cases, whether the newspaper be transmitted free or otherwise, subject to a sea postage of one penny payable on the newspaper being put into the Post Office for every newspaper delivered at the Post Office to be conveyed by vessels not being Post Office packets, and also to a like postage for every newspaper received by vessels not Post Office packets addressed to a person or to a place within the United Kingdom.

And after reciting that circumstances may arise which may render it expedient again to impose the rates of two-pence on newspapers ;—

It is Enacted,

XXXIV. That the Postmaster General, with the consent of the Lords of the Treasury, may again impose the respective rates of two-pence both on newspapers received from and sent to foreign countries.

XXXV. That the Postmaster General may, with the consent of the Lords of the Treasury, extend this Act, so far as it relates to newspapers sent between the United Kingdom and any foreign country, to colonial newspapers sent through the United Kingdom to a foreign country, and to foreign newspapers sent through the United Kingdom to any foreign country or to any of Her Majesty's colonies and possessions beyond the seas.

XXXVI. That every British newspaper sent by the Post out of the United Kingdom shall in all cases be put into a Post Office or receiving office in the United Kingdom within seven days next after the day on which the same shall be published, the day of publication to be ascertained by the date of such paper ; and in case a paper shall be put into a Post Office, after the expiration of such seven days the Postmaster General may either detain the paper, or forward it by Post charged with full postage as a letter.

XXXVII. That in case any person to whom a printed newspaper brought into the United Kingdom shall be directed shall have removed from the place to which it shall be directed before the delivery thereof at that place, it may (provided it shall not have been opened) be re-directed, and forwarded by Post to such person at any other place within the United Kingdom, free of charge for such extra conveyance ; but if the newspaper shall have been opened it shall be charged with the rate of a single letter from the place of re-direction to the place at which it shall be ultimately delivered.

XXXVIII. That the Postmaster General may allow the masters of vessels other than packet boats one penny on every printed newspaper, foreign or colonial, brought into the United Kingdom from a port or place out of the United Kingdom, and delivered by them at the Post Office of the port town at which they shall touch or arrive ; and the like sum of one penny on every printed newspaper delivered by the Postmaster General to any such masters for conveyance to a port or place out of the United Kingdom, or between any places within the United Kingdom under the Post Office Acts.

XXXIX. That the Postmaster General, in his discretion, may receive at the General Post Office in London packets containing re-issuable cash notes only, issued by country bankers under annual licence, and payable at the houses of the respective

agents in London (and which notes shall have been paid by such agents in London), for conveyance by Post within Great Britain, at his discretion, to the bank in the place at which such cash notes were first issued, and to no other place, at one-fourth the usual postage for a packet of that size; but no packet shall be conveyed under this provision unless it shall exceed six ounces in weight, and be superscribed "Re-issuable Country Bank Notes only," and shall be certified by the signature of the agent or agents of such country bank, or one of them, in his or their own hand-writing, and shall contain no writing or communication, or matter or thing, except cash notes; and such packets shall be delivered at the General Post Office in London at such hours in the day and under all such regulations as the Postmaster General shall appoint, and shall also be delivered by the deputy postmaster in the country under all such regulations and restrictions as the Postmaster General shall from time to time think fit to appoint; and the Postmaster General may detain, and in the presence of the sender thereof, or in his absence in case of non-attendance after notice in writing left at his usual place of abode or place of business requiring his attendance, may open and examine the same, in order to discover whether any writing, communication, matter, or thing other than re-issuable notes only shall be contained therein, and in case upon examination thereof it shall be discovered that any writing, communication, matter, or thing other than re-issuable notes shall be contained therein, then the Postmaster General may retain the packet until the penalty imposed by the Post Office Acts upon the sender for offending herein shall be paid.

XL. That the following classes of persons may both send and receive single letters by the Post on their own private concerns only, at the reduced postage of one penny for each single letter; (*videlicet*,)

Every seaman employed in Her Majesty's Navy within Her Majesty's dominions, whether at home or abroad, whilst such seaman shall be actually employed in Her Majesty's service:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in Her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines within Her Majesty's dominions, whether at home or abroad, whilst actually employed in Her Majesty's service:

Every seaman employed in Her Majesty's Navy in the East Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Good Hope:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in Her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whilst actually employed in Her Majesty's service in the East Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Good Hope:

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in the service of the East India Company, whilst actually employed in the service of the Company:

But the letters of commissioned officers or warrant officers, either in the Army or Navy, or midshipmen or master's mates of the Navy, are not included in this provision.

And with respect to letters sent by any such privileged persons the following conditions shall be observed; (that is to say,) the postage shall be paid on putting the letter into a Post Office established under the authority of the Postmaster General, and upon such letter shall be superscribed the name of the writer, and his class or description in the vessel, regiment, corps, or detachment to which he shall belong; and upon every such letter there shall be written in the handwriting of and signed by the officer having at the time the command of the vessel, or of the regiment, corps, or detachment to which the privileged person belongs, the name of such officer, and the name of such vessel, or of such regiment, corps, or detachment:

And with respect to letters received by the Post by any of the said privileged persons, the following conditions shall be observed:—The postage of each letter shall be paid upon putting it into a Post Office established under the authority of the Postmaster General, and it shall be directed to the privileged person, specifying on the superscription thereof the vessel, or the regiment, corps, or detachment to which he shall belong; and the Deputy Postmaster of the place to which such letter shall be sent to be delivered shall not deliver such letter to any person except the person hereby privileged to whom it shall be directed, or to some person appointed to receive the same, by writing under the hand of the officer in command:

But whenever any of the above-mentioned privileged persons shall be employed in Her Majesty's service, or in the service of the East India Company, in the East Indies, or at Ceylon, the Mauritius, Saint Helena, or the Cape of Good Hope, the letters sent by them shall be charged to the party receiving them with an additional sea postage of two-pence each, as well as the inland postage of one penny, making the whole three-pence, unless the letters are delivered into a Post Office of the United Kingdom free of expense to the Post Office, in which case they shall be charged the inland postage of one penny only:

And the privileged letters of persons privileged under this enactment shall be exempt from the payment of the local rates of postage by Penny or Twopenny Posts, when they have passed through or when they are intended to pass through the General Post.

XLI. That in all cases in which a letter addressed to a commissioned officer of the Army, Navy, or Ordnance, or any of the departments belonging thereto respectively, at a place where such officer shall have been employed on actual service, shall be forwarded by the Post, and before the delivery of the letter the officer shall have removed from that place to another place in the execution of his duty, the letter shall be forwarded to the latter place, and shall not be charged with more than the postage payable for the letter at the place to which it was originally addressed.

XLII. That all the provisions of this Act shall be construed according to the respective interpretations of the terms and expressions contained in 1 Vict. c. 36, intituled, "An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws, so far as those interpretations are not repugnant to the subject, or inconsistent with the context of such provisions.

XLIII. That this Act may be repealed or altered during the present session of Parliament.

CAP. XXXV.

AN ACT for regulating the sending and receiving of Letters and Packets by the Post free from the Duty of Postage.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Her Majesty's letters free.
3. Letters of certain officers free.
4. Extent and conditions of privilege of first class.
5. Extent and conditions of privilege of second class.
6. Extent and conditions of privilege of third class.
7. Extent of privilege of fourth class.
8. Extent of privilege of fifth class.
9. Conditions to be observed by the first five classes in regard to letters sent by them.
10. Extent and conditions of privilege of sixth, seventh, eighth, and ninth classes.
11. As to offices named in the Schedules.
12. Regulation of official privilege of franking in certain cases.
13. Franking officers required to transmit to the Post Office unprivileged letters sent to them.
14. Rule for computing postage on letters beyond the extent of privilege.
15. Postmaster empowered to examine packets without a cover, or in a cover open at the sides.
16. Privileged persons empowered in certain cases to depute a person to exercise their privilege in their behalf.
17. Privilege of franking limited to General Post letters.
18. Franking privilege of letters to and from the East Indies.
19. Interpretation of Act.
20. Act may be altered this session.

By this Act,
After reciting the passing of 1 Victoria, c. 32,

It is Enacted,

I. That on the day on which the recited Act shall come into operation this Act shall come into operation for granting and regulating the privilege of receiving and sending letters by the Post free from the duty of postage.

II. That the letters of Her most excellent Majesty transmitted by Post, either to or from Her Majesty, shall be exempt from postage.

III. That the letters of the under-mentioned classes of persons transmitted by Post, either to or from them, shall, subject to the conditions hereinafter stated, be exempt from postage:—

CLASS I. Members of each House of Parliament.

CLASS II. Clerk of the Parliament.

The Clerk Assistant of the House of Lords.

The Reading Clerk of the House of Lords.

The Clerk of the House of Commons.

The two Clerks Assistant of the House of Commons.

The Chief Clerk without doors of the House of Commons (who receives the fees and pays the officers of the House).

CLASS III. The Secretaries and Assistant Secretary of the Treasury.

The Postmaster General, the Secretary and Assistant Secretary of the Postmaster General, in England.

CLASS IV. The Lord High Chancellor of Great Britain.

The Speaker of the House of Commons.

The Lord High Treasurer or First Lord Commissioner of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland.

The Commissioners of the Treasury.

Her Majesty's principal Secretaries of State, and their Under Secretaries.

The Chancellor of Her Majesty's Exchequer.

The President and Vice President of the Committee of Council appointed for the consideration of matters relating to Trade and foreign Plantations.

The Clerks of Her Majesty's most Honourable Privy Council.

The First Commissioner of Woods and Forests.

The President of the Board of Commissioners for the affairs of India.

The Secretaries to the Board of Commissioners for the affairs of India.

The Judge Advocate General.
 The Secretary of the Postmaster General in Ireland.
 The Surveyors of the Post Office in England.
 The Secretary of the Postmaster General in Scotland.
 The Surveyors of the Post Office in Scotland.
 The Commander in Chief of Her Majesty's Forces in Great Britain.
 The Secretary to the Commander in Chief of Her Majesty's Forces in Great Britain.
 The Master General of the Board of Ordnance.
 One of the Secretaries of the said Master General of the Board of Ordnance.
 The Secretary to the Board of Ordnance.
 The Inspector General of Fortifications.
 The Quartermaster General of Her Majesty's Forces in Great Britain.
 The Adjutant General of Her Majesty's Forces in Great Britain.
 The Secretary at War.
 The Deputy Secretary at War.
 Her Majesty's Paymaster General.
 The Lord High Admiral or First Lord Commissioner of the Admiralty.
 The Commissioners of the Admiralty.
 The Secretaries of the Admiralty.
 Her Majesty's Lieutenant General or other Chief Governor or Governors of Ireland;
 And his or their Chief Secretary, Under Secretary, and Private Secretary respectively.

CLASS V. The Lord Chancellor of Ireland.
 The Surveyors of the Post Office in Ireland.

CLASS VI. The respective departments and offices mentioned in the first column of Schedule (A.), in respect of the official correspondence of such departments and offices.

CLASS VII. Persons being at the head of the several departments and offices mentioned in the first column of Schedule (B.), in respect of their official correspondence.

CLASS VIII. The persons mentioned in the third column of Schedule (C.), in respect of their official correspondence.

CLASS IX. The several officers hereinafter specified belonging to the offices mentioned in the first column of Schedule (D.), in respect of the official correspondence of such offices.

CLASS X. Commissioners, whether for permanent or temporary purposes, appointed by Act of Parliament or appointed by Her Majesty's letters patent, to which Commissioners the privilege is granted by this or by any subsequent Act, in respect of their correspondence relating to the business of their commission.

iv. That the privilege of the persons of the first class shall last no longer than during the session of Parliament, and forty days before a summons, or forty days after a prorogation; and the privilege shall extend to the sending of ten letters every day, each not exceeding an ounce in weight, to places within the United Kingdom; and to the receipt from places within the United Kingdom of fifteen letters every day, each not exceeding the same weight; and to the power of receiving and sending printed votes and proceedings in Parliament from and to places within the United Kingdom; and to receiving petitions addressed to either House of Parliament, not exceeding six ounces in weight each; but in order to exempt the above-mentioned letters and papers from postage the following conditions shall be observed:—Every letter sent shall be subject to the same conditions as are hereinafter expressed with regard to the letters of all persons of the first five classes having the privilege of franking; and every letter received shall be directed either to the place where the privileged person shall actually be at the time of the delivery thereof, or at his usual place of residence in London, or at the House of Parliament, or at the lobby of the House of Parliament of which he shall be a member; and all printed votes and proceedings in Parliament, and printed parliamentary papers shall be sent without covers, or in covers open at the sides, and shall be signed by the privileged person sending them, in the manner heretofore practised; and all petitions shall be sent without covers, or in covers open at the sides; and the power of receiving votes and proceedings shall be restricted to the places within the United Kingdom of which the privileged person shall have previously given notice to the Postmaster General, either at London or Dublin.

v. That the privilege of the persons of the second class shall extend both to letters and parliamentary proceedings and papers, and shall be subject to the regulations and restrictions to which that of the first class is subject, except as to the number of such letters, which shall be without limit, and except as to the weight of such letters, which shall not exceed two ounces each.

vi. That the privilege of the members of the third class shall extend to the sending and receiving all letters, without limit as to either number or weight; and with respect to letters sent by them it shall be unnecessary to insert in the superscription the name of the post town, or the date of the day, month, or year when sent, but nevertheless the whole superscription shall be of the handwriting of the person sending the same.

vii. That the privilege of the members of the fourth class shall extend to the sending and receiving all letters, without limit as to either number or weight.

viii. That the privilege of the members of the fifth class shall extend to the sending and receiving of all letters to and from places within Ireland, without limit as to either number or weight.

ix. That all letters sent by privileged persons of the foregoing five classes shall, except so far as has been excepted in reference to the members of the third class, be subject to the following conditions:—The whole superscription shall be of the hand-

writing of the privileged person sending the same, and shall contain the name of such person, together with the name of the post town from which the same is intended to be sent, and the day, month, and year when the same shall be put into the Post Office, the day of the month to be in words at length, and the whole direction and superscription to be of the handwriting of the privileged person; and every such letter shall be put into the General Post Office or other Post Office, or into a receiving house or place appointed by Her Majesty's Postmaster General for the receipt of letters and packets to be forwarded by the Post, on the day of the date written upon such letter; and the privileged person whose name shall be written thereon shall, for the purpose of exempting the letter from postage, actually be in the post town where such letter shall be put into the Post Office, or within twenty miles of such post town, on the day or on the day next before the day on which such letter shall be put into the Post Office.

X. That the privilege of sending and receiving letters (free of postage) of the officers of the sixth, seventh, eighth, and ninth classes shall be subject to the following conditions:—every letter shall be on the public business of the office or department from which the same shall be forwarded, or to which the same shall be addressed, and shall be superscribed in the manner set forth in the third column of Schedules hereto annexed; and the indorsement on each letter sent from any such office or department shall be superscribed with the signature of the person authorized to make the same, and the letter shall be sealed with the seal of the office or the seal of the principal officer in that department; and the persons being at the head of any office or department mentioned in the first column of the Schedules (A.), (B.), and (D.) hereto annexed may direct certain persons in each of their departments to make the foregoing superscription upon each letter which shall concern the public business of their respective offices; and the names of such authorized persons shall be transmitted by the principal officer authorizing them to the General Post Office in London, where the offices or departments shall be in London, and to the General Post Office in Dublin where the offices or departments shall be in Dublin; but the number of persons so appointed shall not exceed two in any department in Schedule (A.), except in the Admiralty Office, the War Office, and the Paymaster General's Office; and in the Admiralty Office the number shall not exceed thirteen in time of peace and seventeen in time of war; and the number in the War Office shall not exceed six in time of peace and ten in time of war; and the number in the Paymaster General's Office shall not exceed three; and in all other cases shall not exceed one in any department or office, except the Lord Lieutenant's Chief Secretary's Office in Ireland, where the number shall not exceed two.

XI. That the privilege of franking of offices mentioned in the Schedules hereto shall be subject to the limitations expressed in the fifth column thereof.

And for the general regulation of the official privilege of franking hereby or by any subsequent Act granted to the officers or Commissioners respectively belonging to the offices and commissions specially mentioned in the Schedules hereto annexed, and respectively included in the sixth, seventh, ninth, and tenth classes, or to any other office or commission of a like nature,—

It is Enacted,

XII. That the persons being respectively at the head of such offices or commissions may from time to time authorize and direct such one person in their office as they shall think proper to nominate in that behalf, or such other number as shall be named in any Act conferring this privilege on such office or commission, to send free from postage all or any of the letters relating solely to the business of their office, and they shall from time to time transmit the name of such person to the Secretary of the General Post Office in London or Dublin, and every person so appointed shall sign and subscribe his name under such words as may be directed to be printed upon the covers enclosing such letters; and every person so nominated is hereby strictly forbidden to superscribe any letter in the manner directed by this Act, except only such letters as he shall respectively know to relate solely to the business of his office, or such only concerning which he shall receive the special direction of his superior officer; nevertheless the appointment of such officer, and the place from which letters sent by such officer shall be dated, and the mode of superscribing, and the style of address, shall respectively be subject to such limitations, conditions, and regulations as the Lords of the Treasury shall from time to time appoint in regard to the respective offices or commissions to which the privilege of sending and receiving letters free shall be granted.

XIII. That if any letter, paper, or thing shall be sent under cover to a franking officer, the same not being actually and bona fide on Her Majesty's Service, and relating exclusively to the business of his department, the officer to whom the same shall be so sent shall transmit it forthwith to the Secretary of the Post Office in London or Dublin, with the covers under which the same were sent, in order that the contents thereof may be charged with the full rates of postage.

XIV. That in case the number of letters allowed to a privileged person shall on any occasion be exceeded, so that the ordinary rates of postage shall become payable on the surplus number, the letters chargeable with the higher rate shall be included in the number exempted, in preference to those chargeable with a lower rate.

XV. That the Postmaster General may examine any packet sent without a cover, or in a cover open at the sides, in order to discover whether any other paper or thing be enclosed with the printed paper so permitted to be sent free of postage without a cover, or in a cover open at the sides; and in case any other paper or thing whatsoever shall be found enclosed with any such printed paper, or in case there shall be any writing other than the superscription upon the printed paper or upon the cover, the whole of the packet shall be charged with treble the duty of postage.

XVI. That in case any privileged person of the first five classes, being by bodily infirmity disabled from writing the whole superscription of such letters, shall choose to appoint some one person on his behalf and in his stead to sign his name upon and write the superscription of such letters, and shall cause notice thereof in writing under his hand and seal to be transmitted to the Postmaster General, all letters so signed and superscribed by the person appointed shall be free of postage, and shall in all respects be proceeded with as if the superscription had been of the handwriting of the privileged person; and until he shall, by order under his hand and seal, revoke the notice of the appointment of his substitute, no letters under the handwriting of the person privileged shall pass free of postage.

xvii. That no privilege of franking shall extend to letters transmitted by a Penny or Twopenny Post, so far as respects the Penny or Twopenny Post rates, nor to any letters which are or may be liable to any foreign rates of postage, (the public despatches to and from Her Majesty's Secretaries of State, and the British embassies and legations at foreign courts, being *bond fide* on the public service, only excepted).

xviii. That the Court of Directors of the East India Company, or the Secret Committee appointed by the same Court (in pursuance of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth), shall, so long as the possession and government of Her Majesty's territories in the East Indies shall belong to the Company, have the privilege of receiving and sending free of postage, to and from the Governor General and Council and several Presidencies in the East Indies, or any agent or other officer of the Company in the East Indies, any letter relating entirely to the affairs of the Company; and the said Court of Directors, Secret Committee, and Secretary or Assistant Secretary of the Company, may receive any such letter free from postage from any officer or agent of the Company, by ships in the service of the Company; provided that with respect to letters sent to the East Indies they be superscribed by the chairman or deputy chairman or secretary or assistant secretary of the Company; and the Commissioners for the Affairs of India, and the chairman and deputy chairman of the East India Company, may send and receive letters to and from Ceylon, the Mauritius, or any port or place in the East Indies, or to and from the Cape of Good Hope, free from postage, provided that no such letter exceed three ounces in weight; and the Directors of the Company may receive letters free from sea postage from Ceylon, the Mauritius, or any port or place in the East Indies, by ships in the service of the said Company, provided that the letters brought by any one ship for any one Director do not collectively exceed the weight of six ounces; and every person who shall have been Director shall continue to have the privilege for one year after he shall have ceased to be a Director.

xix. That all the provisions of this Act shall be construed according to the respective interpretations of the terms and expressions contained in an Act, 1 Vict. c. 36, intituled, 'An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws,' so far as those interpretations are not repugnant to the subject or inconsistent with the context of such provisions.

xx. That this Act may be repealed or altered during the present session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

| | Name of Office. | Number of Franking Officers. | Covers of Letters sent, how to be superscribed. | Letters received, to whom to be addressed to entitle them to pass free, when a particular Address is required. | Limitations of Official Franking Privilege. |
|---|--|---|---|--|---|
| Class 6. | The Treasury. | 2 | Treasury. | No particular Direction is required for Official Letters of this Class. | Unlimited. |
| | The Admiralty Office : | | } Admiralty. | | |
| | In Time of War. | 17 | | | |
| | In Time of Peace. | 13 | | | |
| | The Offices of Her Majesty's Principal Secretaries of State (in each of such Offices). | 2 | Secretary of State's Office. | | |
| | The War Office : | | } War Office. | | |
| | In Time of War. | 10 | | | |
| | In Time of Peace. | 6 | | | |
| | The General Post Office in London. | 2 | General Post Office. | | |
| | The General Post Office in Edinburgh. | 2 | General Post Office, Edinburgh. | | |
| | The Commander in Chief's Office. | 2 | Commander in Chief's Office. | | |
| | The Board of Ordnance. | 2 | Ordnance Office. | | |
| | The Adjutant General's Office. | 2 | Adjutant General's Office. | | |
| | The Quarter Master General's Office. | 2 | Quarter Master General's Office. | | |
| The Paymaster General's Office. | 3 | Office of Her Majesty's Paymaster General. | | | |
| Chief Secretary's Office in London of the Lord Lieutenant of Ireland. | 1 | The Lord Lieutenant's Chief Secretary's Office, London. | | | |

SCHEDULE (B.)

| | Name of Office. | Number of Franking Officers. | Covers of Letters sent, how to be superscribed. | Letters received, to whom to be addressed, to entitle them to pass free, when a particular Address is required. | Limitations of Official Franking Privilege. |
|----------|---|------------------------------|---|---|--|
| Class 7. | ALL WITHIN IRELAND. | | | | |
| | Commander of the Forces. | 1 | Commander of the Forces Office. | Commander of the Forces. | } Limited to Correspondence between Places in Ireland. |
| | Civil Paymaster. | 1 | Civil Paymaster's Office. | Civil Paymaster of Ireland. | |
| | Deputy Adjutant General. | 1 | Adjutant General's Office. | Adjutant General of the Forces | |
| | Deputy Quarter Master General. | 1 | Quarter Master General's Office. | Quarter Master General of the Forces. | |
| | Chief Officer of Her Majesty's Ordnance Survey. | 1 | Ordnance Survey Office. | The Superintendent of the Ordnance Survey. | |
| | The Postmaster General. | 1 | General Post Office, Dublin. | | |
| | The Lord Lieutenant's Chief Secretary. | 2 | Chief Secretary's Office, Civil Department, or Chief Secretary's Office, Military Department. | | |

SCHEDULE (C.)

| | | | | | | |
|----------|--|---|--|--|---|--|
| Class 8. | Greenwich Pension Office. | — | The Words "Pursuant to General Franking Act," to be on all the Covers. | Greenwich Out-Pensions; and the Cashier of Greenwich Out-Pensions is to write his Name under such Words. | Cashier of Greenwich Out-Pensions. | } Unlimited. |
| | Greenwich Hospital. | — | | Greenwich Hospital; and the Clerk of the Cheque is to write his Name under the same. | Clerk of the Cheque. | |
| | Chelsea Hospital. | — | | Chelsea Hospital; and the Secretary of the Hospital is to write his Name under the same. | Secretary of Chelsea Hospital, at his Office. | |
| | Office of Comptroller of Corn Returns. | — | | On Her Majesty's Service, Corn Department; and the Comptroller of Corn Returns is to subscribe his Name to the same. | Comptroller of Corn Returns. | May send to any Part of the United Kingdom, but may receive from any Place whatever. |

SCHEDULE (D.)

| | | | | | | |
|----------|--|---|--|--|--|--------------|
| Class 9. | Audit Office. | — | The Words "Pursuant to General Franking Act," to be on all the Covers. | On Her Majesty's Service, Audit Office; and the Secretary of the Commissioners, or some Chief Clerk in the Audit Office, is to subscribe his Name to the same. | Commissioners for auditing the Public Accounts. | } Unlimited. |
| | Office for building additional Churches. | 1 | | On the Business of the Commissioners appointed under the Act for building and promoting the building of additional Churches; dated from their Office. | Her Majesty's Commissioners, appointed under the Act for building and promoting the building of additional Churches. | |

SCHEDULE (D.)—continued.

| | Name of Office. | Number of Franking Officers. | Covers of Letters sent, how to be superscribed. | Letters received, to whom to be addressed to entitle them to pass free, when a particular Address is required. | Limitations of Official Franking Privilege. |
|----------|--|------------------------------|---|--|---|
| Class 9- | Incorporated Society for Promoting the Enlargement, building, and repairing of Churches and Chapels. | 1 | The Incorporated Society for promoting the Enlargement, building, and repairing of Churches and Chapels, dated from the Society's Office. | The Incorporated Society for promoting the Enlargement, building, and repairing of Churches and Chapels. | Unlimited. |
| | Exchequer Bill Office, 57 Geo. c. 34. | 1 | Exchequer Bill Office. | The Commissioners for the Issue of Exchequer Bills, at their Office in London. | |
| | Exchequer Bill Office, (2 & 3 Will. 4. c. 125. 5 & 6 Will. 4. c. 51.) | 1 | Exchequer Bill Office. | Letters addressed to the Secretary to the Commissioners at their Office to be also free of Postage. | May only receive Official Letters free. |
| | Tithes Commutation Commission. | 1 | Tithe Commissioners for England and Wales. | To the Commissioners for the Issue of Exchequer Bills, at their Office in London. | The United Kingdom and the Colonies. |
| | Compensation Office. | 1 | Compensation Office. | Tithe Commissioners for England and Wales, at their Office in London. | Between Places in England and Wales. |
| | Friendly Societies. | — | Barrister or Advocate appointed to certify Rules of Friendly Societies, pursuant to Act of Parliament passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, and to be signed under such Words with the name of such Barrister or Advocate in his own Handwriting. | Commissioners of Compensation, at their Office in London. | Within the United Kingdom. |
| | Poor Law Commission. | 1 | Office of Poor Law Commissioners. | Barrister or Advocate appointed to certify the rules of Friendly Societies, directed to him at his Office in London, Edinburgh, or Dublin, as the Case may be. | Within the United Kingdom, Guernsey, Jersey, and Isle of Man. |
| | General Register Office of Merchant Seamen. | — | Merchant Seamen's General Register Office. | Poor Law Commissioners, directed to them at their Office in London. | Within the United Kingdom. |
| | Office of Commissioners of Charities. | 1 | Office of Commissioners of Charities. | The Register of Merchant Seamen. | Unlimited. |
| | Office of Registrar General of Births, Deaths, and Marriages. | 1 | Registrar General of Births, Deaths, and Marriages. | Commissioners of Charities, at their Office in Westminster. | Within the United Kingdom. |
| | | | | Registrar General of Births, Deaths, and Marriages, at his Office. | Within England |

The Words "Pursuant to General Franking Act," to be on all the Covers.

CAP. XXXVI.

AN ACT for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Commencement of Act.
2. Contravening the privilege of Post Office.
3. Ship letters retained after delivering of letters to Post Office.
4. Penalties for abusing the franking privilege.—Penalty for falsely superscribing the letter of an owner of a vessel, &c.
5. Penalty on abuse of privilege as to newspapers.
6. Penalties on masters of ships not taking letter bags.
7. Persons engaged or employed in carrying, conveying, or delivering bags or mails of letters, &c. guilty of carelessness, negligence, or misconduct, punishable on summary conviction before a Justice of the Peace.
8. No hackney carriage to ply for hire opposite the General Post Office in London or Dublin.—Definition of hackney carriage within the meaning of this Act.—No hawker, newsvender, &c. to stop or loiter on pavement on penalty of 5l.
9. Penalty on collectors of tolls, ferrymen, or keepers of gates, &c. demanding toll on mail coach, or stopping the mail.
10. No officer of the Post Office travelling with a mail to pay for passing ferries in North America.
11. Abettors in offences punishable on summary conviction.
12. In what courts pecuniary penalties may be sued for.
13. Mode of proceeding before Justices for offences within their jurisdiction.—Appeal.
14. Justices may mitigate penalties.
15. Application of penalties.
16. Justices shall receive the Crown's share of penalties, and pay the same to the clerk of the peace, to be remitted to the Post Office.—Penalty on the Justice or clerk of the peace for omitting so to do.
17. Justices empowered to award costs to defendants, where informations or complaints are withdrawn or dismissed in certain cases.
18. What shall be deemed a service of a Justice's summons.
19. Penalty for neglecting to serve a summons, &c.
20. Penalty on witnesses neglecting to attend.
21. Officers of the Post Office not disqualified from being witnesses.
22. In what manner goods distrained under this Act shall be sold.
23. Postmaster General may compound actions, &c.
24. Penalties to be sued for within a year.
25. Opening or delaying post letters a misdemeanor.—Proviso.
26. Embezzlement, &c. of any letter or packet, felony.
27. Stealing money, &c. from or out of letters, felony.
28. Persons stealing post letter bags or post letters sent by mail to be transported for life ;—
29. Stealing post letter bags or post letters sent by packet to be transported for fourteen years.
30. Receivers of property sent by the Post and stolen or embezzled, guilty of felony.—Punishment.
31. Fraudulently retaining, after delivery thereof by mistake, any letter or packet, and wilfully secreting or detaining any letters, &c. that have been lost, a misdemeanor.—Punishment.
32. Stealing, &c. any printed votes or proceedings in Parliament, newspapers or other printed paper, misdemeanor.
33. Forging the handwriting of the Receiver General in England or Ireland, felony.—Punishment.
34. Forging or altering franks.—Punishment.
35. Principal in the second degree, and accessories, how to be punished.
36. Endeavouring to procure the commission of any felony or misdemeanor.
37. Venue.—Accessories in felony ; and persons aiding and counselling in misdemeanor.
38. Bail.
39. Admiralty jurisdiction.
40. Property sent by the Post to be laid in the Postmaster General.
41. Punishments.
42. Power to award hard labour or solitary confinement under this Act.
43. Power of distress for recovery of sums not exceeding 20l. in the United Kingdom or elsewhere in Her Majesty's dominions.
44. In what way duties of postage may be sued for.
45. Forms of conviction, &c.
46. Mode of proceeding in actions.
47. Interpretation clause :—British letter—British newspapers—British postage—Colonial letter—Colonial newspapers—Convention Posts—Double letter—Double postage—East Indies—Express—Foreign country—Foreign letter—Foreign newspapers—Foreign postage—Franking officer—Her Majesty—Her Majesty's Colonies—Inland postage—Letter—Packet—Lord Lieutenant of Ireland—Lords of the Treasury—Mail—Mail bag—Master of a vessel—Officer of the Post Office—Packet postage—Packet letter—Penalty—Persons employed by the Post Office—Packet boats—Post Office packets—Postage—Post town—Post letter bag—Post letter—Post Office—Postmaster General—Post Office Acts—Post Office laws—Ships—Single postage—Single letter—Sea postage—Ship letter—Treble letter—Treble postage—Treble the duty of postage.—United Kingdom—Valuable security—Vessel—Between.
48. Where provisions of Act shall extend to.
49. Act may be altered.

By this Act,

After reciting the passing of 1 Victoria, c. 32,—

It is Enacted,

I. That on the day on which the recited Act shall come into operation this Act shall come into operation for making provision respecting offences against the Post Office, and the judicial administration of the Post Office laws.

And for preventing any breach of the privilege conferred by the Post Office Acts on the Postmaster General for the benefit of the public revenue,—

It is Enacted,

II. That every person who shall convey otherwise than by the Post a letter not exempted from the exclusive privilege of the Postmaster General shall for every letter forfeit 5*l.*, and every person who shall be in the practice of so conveying letters not so exempted shall for every week during which the practice shall be continued forfeit 100*l.*; and every person who shall perform otherwise than by the Post any services incidental to conveying letters from place to place, whether by receiving or by taking up or by collecting, or by ordering or by despatching, or by carrying or by re-carrying or by delivering a letter not exempted from the exclusive privilege of the Postmaster General, shall forfeit for every letter 5*l.*, and every person who shall be in the practice of so performing any such incidental services shall for every week during which the practice shall be continued forfeit 100*l.*; and every person who shall send a letter not exempted from the exclusive privilege of the Postmaster General otherwise than by the Post, or shall cause a letter not so exempted to be sent or conveyed otherwise than by Post, or shall either tender or deliver a letter not so exempt in order to be sent otherwise than by Post, shall forfeit for every letter 5*l.*, and every person who shall be in the practice of committing any of the acts last mentioned shall for every week during which the practice shall be continued forfeit 100*l.*; and every person who shall make a collection of exempted letters for the purpose of conveying or sending them otherwise than by the Post, or by the Post, shall forfeit for every letter 5*l.*; and every person who shall be in the practice of making a collection of exempted letters for either of those purposes shall forfeit for every week during which the practice shall be continued 100*l.*: And be it declared, that the term Post shall herein include all post communications by land or by water (except by outward-bound vessels not being employed by or under the Post Office or the Admiralty to carry post letters); and the above penalties shall be incurred whether the letter shall be sent singly or with anything else, or such incidental service shall be performed in respect to a letter either sent or to be sent singly or together with some other letter or thing; and in any prosecution by action or otherwise for the recovery of any such penalty the onus shall lie upon the party prosecuted to prove that the act in respect of which the penalty is alleged to have been incurred was done in conformity to the Post Office laws.

III. That every person, being either the master of a vessel inward-bound, or one of the officers, or one of the crew, or a passenger thereof, who shall knowingly have any letter in his possession not exempted from the privilege of the Postmaster General, after the master shall have sent any part of his ship's letters to the Post Office, shall forfeit for every letter 5*l.*; and whether the letter be in the baggage or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and every such person who shall detain any such letter after demand made, either by the officer of the Customs or by a person authorized by the Postmaster General to demand ship's letters, shall forfeit for every letter 10*l.*

And for preventing the abuse of any privilege by the Post Office Acts conferred of sending letters or papers free of postage, or at a reduced rate of postage, whereby the Post Office revenue may be defrauded,—

It is Enacted,

IV. That every person who shall send or cause to be sent a banker's parcel, wherein or upon the cover whereof there shall be a writing or communication, or anything other than negotiable notes, contrary to the Post Office laws or the regulations of the Postmaster General, shall forfeit 200*l.*; and every franking officer or other person authorized by virtue of their office to frank official letters who shall unlawfully superscribe a letter as belonging to his office or department which does not concern the business of thereof, shall for the first offence forfeit 100*l.*, and for the second offence shall forfeit the like sum, and be dismissed from his office; and every person having the command of a ship or vessel, or regiment or corps or detachment, who is authorized to write his name, and the name of the ship or of the vessel, or of the regiment or corps or detachment, commanded by him, upon a single letter from a seaman or soldier privileged to send his letter at a reduced rate of postage, who shall wilfully write his name upon a letter that is not from and on the private concerns only of such seaman or soldier so privileged, shall for every such offence forfeit 5*l.*; and every person not having at the time the command of the ship or vessel, or regiment or corps or detachment to which a seaman or soldier so privileged belongs, who shall write his name upon a letter in order that the same may be sent at a lower rate of postage than by law established, shall for every such offence forfeit 5*l.*; and every person who shall procure a seaman or soldier to obtain the signature of his commanding officer to a letter to be sent by the Post which shall not be on the private concerns of such seaman or soldier, and every such seaman or soldier who shall obtain the signature of his commanding officer upon a letter which shall not be from such seaman or soldier, and upon his own private concerns only, in order to avoid the payment of the rates of postage by law established, shall for every such offence forfeit 5*l.*; and every person who shall wilfully address a letter to such seaman or soldier having the privilege of receiving his letters at a reduced rate, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of postage by law established, shall for every such offence forfeit 5*l.*; and every person who shall, with intent to evade any duty of postage, falsely superscribe a letter as being the owner or the charterer or the consignee of a vessel conveying the same, or as the owner or the shipper or the consignee of goods shipped in such vessel, shall for every such offence forfeit 10*l.*

And for the prevention of the abuse of the privilege of sending newspapers free by the Post, or at a reduced rate,—

It is Enacted,

v. That every person who shall inclose or cause or procure to be inclosed in a newspaper to be sent by the Post, or under the cover thereof, any letter or paper or thing, and every person who shall print or cause to be printed any words or communication, either upon any such newspaper after the same shall have been published, or upon the cover thereof, or who shall put or cause to be put any writing or marks either upon the newspaper or upon the cover thereof, other than the name and address of the person to whom it shall be sent, and every person who shall knowingly either send or cause to be sent by the Post, or who shall either deliver or tender in order to be sent by the Post, a newspaper in respect of which any one of the offences hereinbefore mentioned shall have been committed, shall for every such offence forfeit treble the duty of postage, computed by weight and by distance, as if the paper in respect of which the offence was committed were a letter, such postage to be recoverable as postages not exceeding in amount 20*l*. are recoverable; or he shall, except in those cases in which the said newspaper or cover shall only have marks thereon, and not writing, at the option of the Postmaster General, be prosecuted as for a misdemeanor, and shall suffer punishment accordingly.

And for compelling the observance of the provisions of the Post Office laws relating to the conveyance of ship letters,—

It is Enacted,

vi. That every master of a vessel outward-bound to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope, who shall refuse to take a post letter bag delivered or tendered to him by an officer of the Post Office for conveyance, shall forfeit 200*l*.; and every master of a vessel who shall open a sealed letter bag with which he shall be intrusted for conveyance shall forfeit 200*l*.; and every master of a vessel who shall take out of a letter bag with which he shall have been intrusted for conveyance a letter or any other thing shall forfeit 200*l*.; and every master of a vessel who shall not duly deliver a letter bag with the contents at the Post Office on his arrival in port, without wilful or unavoidable delay after his arrival, shall forfeit 200*l*.; and every person to whom letters may have been intrusted by the master of a vessel to bring on shore who shall break the seal, or in any manner wilfully open the same, shall forfeit 20*l*.; and every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the Post Office, as required by 1 Vict. c. 34, intituled, 'An Act for the Regulation of the Duties of Postage,' shall forfeit 50*l*.; and every collector, comptroller, or officer of the Customs who by the said Act is required to prohibit any vessel reporting until the requisites of such Act shall have been complied with, who shall permit such vessel to report before the requisites of such Act shall have been complied with, shall forfeit 50*l*.; and every master of a vessel (not having been able to send his letters ashore previous to his arrival at the port where the vessel is to report) who shall break bulk or make entry before all letters on board shall be sent to the Post Office shall forfeit 20*l*.; and every master of a vessel, or any other person on board any ship liable to the performance of quarantine, who shall neglect or refuse to deliver to the person or persons appointed to superintend the quarantine all letters in his possession, shall forfeit 20*l*.

And after reciting that post letter bags and post letters are sometimes lost or delayed by the carelessness or other misconduct of the persons having charge of the same,—

It is Enacted,

vii. That every person employed to convey or deliver a post letter bag or a post letter who shall whilst so employed, or whilst the same shall be in his custody, care, or possession, leave a post letter bag or a post letter, or suffer any person, not being the guard or person employed for that purpose, to ride in the place appointed for the guard in or upon any carriage used for the conveyance of a post letter bag or post letter, or to ride in or upon a carriage so used and not licensed to carry passengers, or upon a horse used for the conveyance on horseback of a post letter bag or a post letter, or if any such person shall be guilty of any act of drunkenness, or of carelessness, negligence, or other misconduct, whereby the safety of a post letter bag or a post letter shall be endangered, or who shall collect or receive, or convey or deliver, a letter otherwise than in the ordinary course of the Post, or who shall give any false information of an assault or attempt at robbery upon him, or who shall loiter on the road or passage, or wilfully mis-spent his time so as to retard or delay the progress or arrival of a post letter bag or a post letter, or who shall not use due and proper care and diligence safely to convey a post letter bag or a post letter at the rate of speed appointed by and according to the regulations of the Post Office for the time being, being thereof convicted, shall forfeit 20*l*.

And to prevent obstructions opposite the General Post Offices in London and Dublin,—

It is Enacted,

viii. That no hackney carriage shall stand or ply for hire opposite the General Post Office in Saint Martin's-le-Grand, London, or the General Post Office in Sackville Street, Dublin, or any part thereof respectively; and that every driver, or any person having the management of any hackney carriage, who shall permit the same to stand or ply for hire opposite either of the said Post Offices, shall forfeit for every such offence 5*l*.; and for the purposes of this provision every carriage with two or more wheels, whatever may be the form or construction of such carriage, or the number of persons which the same shall be calculated to convey, or the number of horses by which the same shall be drawn, shall be a hackney carriage within the meaning of this Act, and in all proceedings at law or otherwise, and upon all occasions whatsoever, it shall be sufficient to describe it by the term hackney carriage; and every hawker, news-vender, or idle or disorderly person, who shall stop or loiter on the flagway or pavement opposite the General Post Office in Saint Martin's-le-Grand, London, or in Sackville Street, Dublin, or any part thereof respectively, shall forfeit for every such offence 5*l*.

ix. That every toll collector or receiver, or other person employed to receive the tolls or rates at a turnpike gate or bar erected upon a highway, bridge, or post road, and every person who shall have the care of a gate of a walled town, or the custody of the keys of such gate, who shall demand toll for any person or horse or carriage going for or conveying or employed to go for or carry a mail, or who shall not permit the mail to pass without delay, or who shall wilfully delay or obstruct the mail at or in passing a turnpike gate or bar, or a gate of a walled town, shall for every such offence forfeit 5*l*.; and every ferryman

or other person employed to receive the tolls or rates at a ferry who shall demand any such toll for any such person, horse, or carriage, or who shall not, within the space of fifteen minutes after demand made, convey the mail (if it be possible or safe to do so) across such ferry to the usual landing place, shall for every such offence forfeit 5*l*.

x. That no deputy, officer, or agent of the Postmaster General travelling with a mail shall pay for passing or re-passing a ferry within any of Her Majesty's colonies or dominions in North America, but the ferryman at every such ferry shall forthwith on demand convey over every such deputy, officer, or agent without any payment for the same, on pain of forfeiting for every offence 5*l*, to be recovered in any court of record within any of the provinces or colonies in North America by bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, one moiety thereof to Her Majesty, towards the support of the government of the said provinces and the contingent charges thereof, and the other moiety to the Postmaster General who shall sue and prosecute for the same, together with full costs of suit.

x*i*. That every person who shall aid, abet, or counsel or procure the commission of an offence which is by the Post Office Acts punishable on summary conviction, shall, on conviction before a Justice of the Peace in England and Ireland, and before a Justice of the Peace, sheriff, sheriff substitute, steward, or steward substitute in Scotland, be liable to the same forfeiture and punishment to which a principal offender is by the Post Office Acts made liable.

x*ii*. That all pecuniary penalties imposed by the Post Office Acts may be sued for and recovered, with full costs of suit, by any person who shall inform and sue for the same, in any of Her Majesty's courts of record at Westminster for any offence committed in England, Wales, or Berwick-upon-Tweed, and in Her Majesty's Court of Session in Scotland for any offence committed in Scotland, and in any of Her Majesty's courts of record in Dublin for any offence committed in Ireland; and the proceeding may be either by action of debt, or by bill or plaint or information, wherein no essoign, protection, or privilege, nor more than one imparlance, shall be allowed; and where the offence shall be committed in the British Isles, or in any other parts of Her Majesty's dominions, such penalties may be recovered in any of the royal or superior courts of such isles, or other parts of Her Majesty's dominions, by all the proceedings, ways, and means by which penalties are there recoverable.

x*iii*. That any Justice of the Peace having jurisdiction where the offence shall be committed may hear and determine any offence against the Post Office Acts which may subject the offender to a pecuniary penalty not exceeding 20*l*.; and any such Justice shall, upon information given or complaint made before him, summon the party accused, and also the witnesses on either side, to be and appear before him, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, the Justice present at the time and place appointed for such appearance may proceed to examine into the matter of fact, and upon due proof made thereof by voluntary confession of the party, or by oath of one witness or more, may give judgment for the plaintiff or complainant, or for the defendant, and if for the plaintiff or complainant such Justice may award and issue out his warrant for the levying of the penalty so adjudged, together with the costs and expenses of such proceeding, and also the costs and expenses of such warrant, and of levying the same on the goods of the offender, and may cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any); and where goods of such offender cannot be found sufficient to answer the penalty, and all such costs and expenses, the Justice shall commit the offender to the common gaol or house of correction, there to remain for any time not less than three calendar months and not exceeding six calendar months, if the penalty imposed by the Post Office Acts for the offence of which such offender shall have been convicted shall amount to the sum of 20*l*., and for any time not exceeding three calendar months if such penalty shall not amount to 20*l*., unless such penalty and all such costs and expenses shall be sooner paid; and if the person convicted shall find himself aggrieved by the judgment of any such Justice he may appeal against the same to the Justices of the Peace at the General or Quarter Sessions of the Peace for the county or place within which the offence shall be committed which shall be held next after the expiration of ten days from the day on which such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the first day of such Sessions, and such Justices at such Sessions may examine witnesses upon oath, and finally hear and determine such appeal; and in case the judgment of the Justice shall be affirmed the Justices at such Sessions may award and order the person appealing to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, that no person convicted before a Justice shall be permitted to appeal against such conviction unless within five days next after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such Justice, to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be awarded in case such conviction shall be affirmed on the hearing of such appeal: Provided also, that no such proceedings so to be had or taken shall be quashed or vacated for want of form, or for any error or mistake which in the judgment of the Court has not a tendency to mislead the defendant, or shall be removed by certiorari, suspension, advocacy, or reduction, or by any other writ or process, into any superior or other court or jurisdiction, any law or usage to the contrary notwithstanding.

x*iv*. That the Justice of the Peace before whom a person shall be convicted of an offence against the Post Office Acts may mitigate the penalty imposed in cases where such Justice shall see cause so to do; provided that all reasonable costs and charges incurred in prosecuting for such offence shall be always allowed over and above the sum to which the penalty shall be mitigated.

x*v*. That all pecuniary penalties incurred under the Post Office Acts, which shall be sued or prosecuted for or recovered by or in the name of a person other than Her Majesty's Attorney General in England, Her Majesty's Attorney General in Ireland, or Her Majesty's Advocate for Scotland, or the Solicitor to the Post Office, or any other officer of the Post Office in England, Ireland, or Scotland respectively, shall respectively be distributed and divided in manner following; (that is to say,) one moiety thereof to Her Majesty, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same; and all such pecuniary penalties as aforesaid which shall be sued and prosecuted for and recovered by or in the name of the above-named officers shall be applied to the use of Her Majesty: Provided always, that the Postmaster General, at his discretion, may give all or any part of such penalties or shares of penalties belonging to Her Majesty as rewards

to any person who shall have detected such offences, or given information which may have led to the discovery thereof or to the conviction of the offenders.

XVI. That every Justice of the Peace before whom a person shall be convicted of an offence against the Post Office Acts shall take the penalty or share of the penalty belonging to Her Majesty levied or paid under such conviction, and shall pay or cause to be paid all such sums of money which he shall so take at the next General or Quarter Sessions of the Peace after he shall have so taken the same into the hands of the clerk of the peace, town clerk, or other such officer of the county or place within which such conviction shall have been made, who shall within fourteen days after his receipt thereof, and without fee or reward, pay or remit the same, for the use of Her Majesty, to the solicitor of the Post Office at the Post Office in London, Edinburgh, or Dublin, as the conviction shall happen to be in England, Scotland, or Ireland respectively; and every such Justice shall, within one week after every such payment made by him to a clerk of the peace, town clerk, or other such officer, transmit to such solicitor a schedule containing the name of the person so convicted, the nature of the offence, and the amount of the penalty in which he shall have been convicted, the date of such conviction, and the sum of money which shall have been paid by virtue thereof, together with the name of the clerk of the peace, town clerk, or other such officer to whom he shall have paid the same; and every Justice who shall omit to pay or cause to be paid to such clerk of the peace or other officer as aforesaid, at the time and in the manner hereinbefore directed, any such penalty or share of penalty received by him, or upon payment thereof shall omit to transmit to the proper solicitor of the Post Office such schedule, and every clerk of the peace, town clerk, or other officer who shall omit to pay or remit the penalty or share of penalty to such solicitor of the Post Office, within the time and in the manner hereinbefore directed in that behalf, shall forfeit 50*l*.

XVII. That when any person shall be summoned before a Justice of the Peace to answer an information or complaint exhibited or made against him by a person other than an officer of the Post Office, touching an offence committed or alleged to have been committed by such person against the Post Office Acts, and such information or complaint shall afterwards be withdrawn, or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, the Justice may order and award that the informer or person exhibiting the information or making the complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses (if any), in attending such Justice touching such information or complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded the Justice may cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, and such costs as aforesaid, cannot be found, the Justice may commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid.

XVIII. That a summons issued by a Justice of the Peace, requiring a defendant or a witness or other person to appear before him or any other Justice, with reference to an information, complaint, or other proceeding for the recovery of any postage, postage debt, or penalty under the Post Office Acts, shall be deemed to be sufficiently served in case either the summons or a copy thereof be served personally upon the person as aforesaid, or be left at his usual or last known place of residence, or if such person be a proprietor, driver, conductor, or guard of any stage carriage, if such summons or copy be left with the book-keeper or person for the time being acting as book-keeper for such stage carriage in any town or place from, into, or through which such carriage shall go or be driven nearest to the place where any such offence shall be committed.

XIX. That every constable or other peace officer who shall refuse or neglect to serve a summons or execute a warrant or order granted, issued, or made by a Justice of the Peace, pursuant to the Post Office Acts, shall forfeit 10*l*.

XX. That every person who shall be summoned as a witness to give evidence before a Justice of the Peace, or before Justices at sessions, touching the matters alleged in or relating to an information, complaint, appeal, or other proceeding depending before such Justice or Justices for the recovery of a postage, postage debt, or penalty under the Post Office Acts, who shall neglect or refuse to appear before such Justice or Justices at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such Justice or Justices, and every person so summoned who shall appear, but shall refuse to be examined and give evidence before such Justice or Justices touching the matters aforesaid, shall forfeit 10*l*.

XXI. That upon the trial or hearing of an information exhibited or complaint made under the Post Office Acts any officer of the Post Office shall be a competent witness, notwithstanding that such officer may be the informant or complainant, or may be entitled to or expect a part of any pecuniary penalty, or any remuneration or reward on the conviction of an offender upon such information or complaint.

XXII. That in all cases where goods or chattels distrained or otherwise seized or taken under the Post Office Acts, directed to be sold the same shall be sold by public auction; and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode, three days at least prior to such sale: Provided, it shall be lawful for the owner of any such goods or chattels to give his consent in writing to the sale thereof at an earlier time than by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed: Provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process of such goods or chattels shall be sold the sum which he shall by such warrant or process be authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be authorized to raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred by the owner of such goods or chattels, the sale shall be made.

XXIII. That the Postmaster General may compromise and compound any action, suit, bill, plaint, or proceeding for penalties incurred at any time hereafter be commenced by his authority or under his controul against any person for any offence committed under the Post Office Acts, on such terms and conditions as the Postmaster General shall in his discretion think proper, with full power for him, or any of his officers or agents by him thereunto authorized, to receive the penalties so incurred or alleged to be incurred, or any part thereof, without action, suit, or information brought for the recovery thereof.

or other person employed to receive the tolls or rates at a ferry who shall demand any such toll for any such person, horse, or carriage, or who shall not, within the space of fifteen minutes after demand made, convey the mail (if it be possible or safe to do so) across such ferry to the usual landing place, shall for every such offence forfeit 5*l*.

x. That no deputy, officer, or agent of the Postmaster General travelling with a mail shall pay for passing or repassing a ferry within any of Her Majesty's colonies or dominions in North America, but the ferryman at every such ferry shall forthwith on demand convey over every such deputy, officer, or agent without any payment for the same, on pain of forfeiting for every offence 5*l*, to be recovered in any court of record within any of the provinces or colonies in North America by bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, one moiety thereof to Her Majesty, towards the support of the government of the said provinces and the contingent charges thereof, and the other moiety to the Postmaster General who shall sue and prosecute for the same, together with full costs of suit.

xi. That every person who shall aid, abet, or counsel or procure the commission of an offence which is by the Post Office Acts punishable on summary conviction, shall, on conviction before a Justice of the Peace in England and Ireland, and before a Justice of the Peace, sheriff, sheriff substitute, steward, or steward substitute in Scotland, be liable to the same forfeiture and punishment to which a principal offender is by the Post Office Acts made liable.

xii. That all pecuniary penalties imposed by the Post Office Acts may be sued for and recovered, with full costs of suit, by any person who shall inform and sue for the same, in any of Her Majesty's courts of record at Westminster for any offence committed in England, Wales, or Berwick-upon-Tweed, and in Her Majesty's Court of Session in Scotland for any offence committed in Scotland, and in any of Her Majesty's courts of record in Dublin for any offence committed in Ireland; and the proceeding may be either by action of debt, or by bill or plaint or information, wherein no essoign, protection, or privilege, nor more than one imparlance, shall be allowed; and where the offence shall be committed in the British Isles, or in any other parts of Her Majesty's dominions, such penalties may be recovered in any of the royal or superior courts of such isles, or other parts of Her Majesty's dominions, by all the proceedings, ways, and means by which penalties are there recoverable.

xiii. That any Justice of the Peace having jurisdiction where the offence shall be committed may hear and determine any offence against the Post Office Acts which may subject the offender to a pecuniary penalty not exceeding 20*l*., and any such Justice shall, upon information given or complaint made before him, summon the party accused, and also the witnesses on either side, to be and appear before him, or before any other Justice of the Peace, at a time and place to be appointed for that purpose; and either on the appearance of the party accused, or in default thereof, the Justice present at the time and place appointed for such appearance may proceed to examine into the matter of fact, and upon due proof made thereof by voluntary confession of the party, or by oath of one witness or more, may give judgment for the plaintiff or complainant, or for the defendant, and if for the plaintiff or complainant such Justice may award and issue out his warrant for the levying of the penalty so adjudged, together with the costs and expenses of such proceeding, and also the costs and expenses of such warrant, and of levying the same on the goods of the offender, and may cause sale to be made of such goods in case they shall not be redeemed within five days, rendering to the party the overplus (if any); and where goods of such offender cannot be found sufficient to answer the penalty, and all such costs and expenses, the Justice shall commit the offender to the common gaol or house of correction, there to remain for any time not less than three calendar months and not exceeding six calendar months, if the full penalty imposed by the Post Office Acts for the offence of which such offender shall have been convicted shall amount to the sum of 20*l*., and for any time not exceeding three calendar months if such penalty shall not amount to 20*l*., unless such penalty and all such costs and expenses shall be sooner paid; and if the person convicted shall find himself aggrieved by the judgment of any such Justice he may appeal against the same to the Justices of the Peace at the General or Quarter Sessions of the Peace for the county or place within which the offence shall be committed which shall be held next after the expiration of ten days from the day on which such conviction shall have been made, of which appeal notice in writing shall be given to the prosecutor or informer seven clear days previous to the first day of such Sessions, and such Justices at such Sessions may examine witnesses upon oath, and finally hear and determine such appeal; and in case the judgment of the Justice shall be affirmed the Justices at such Sessions may award and order the person appealing to pay such costs occasioned by such appeal as to them shall seem meet: Provided always, that no person convicted before a Justice shall be permitted to appeal against such conviction unless within five days next after such conviction made he shall enter into a recognizance, with two sufficient sureties, before such Justice, to enter and prosecute such appeal, and to pay the amount of the penalty and costs in which he shall have been convicted, and also to pay such further costs as shall be awarded in case such conviction shall be affirmed on the hearing of such appeal: Provided also, that no such proceedings so to be had or taken shall be quashed or vacated for want of form, or for any error or mistake which in the judgment of the Court has not a tendency to mislead the defendant, or shall be removed by certiorari, suspension, advocacy, or reduction, or by any other writ or process, into any superior or other court or jurisdiction, any law or usage to the contrary notwithstanding.

xiv. That the Justice of the Peace before whom a person shall be convicted of an offence against the Post Office Acts may mitigate the penalty imposed in cases where such Justice shall see cause so to do; provided that all reasonable costs and charges incurred in prosecuting for such offence shall be always allowed over and above the sum to which the penalty shall be mitigated.

xv. That all pecuniary penalties incurred under the Post Office Acts, which shall be sued or prosecuted for or recovered by or in the name of a person other than Her Majesty's Attorney General in England, Her Majesty's Attorney General in Ireland, or Her Majesty's Advocate for Scotland, or the Solicitor to the Post Office, or any other officer of the Post Office in England, Ireland, or Scotland respectively, shall respectively be distributed and divided in manner following; (that is to say,) one moiety thereof to Her Majesty, and the other moiety thereof, with full costs of suit, to the person who shall inform and sue or prosecute for the same; and all such pecuniary penalties as aforesaid which shall be sued and prosecuted for and recovered by or in the name of the above-named officers shall be applied to the use of Her Majesty: Provided always, that the Postmaster General, at his discretion, may give all or any part of such penalties or shares of penalties belonging to Her Majesty as rewards

to any person who shall have detected such offences, or given information which may have led to the discovery thereof or to the conviction of the offenders.

XVI. That every Justice of the Peace before whom a person shall be convicted of an offence against the Post Office Acts shall take the penalty or share of the penalty belonging to Her Majesty levied or paid under such conviction, and shall pay or cause to be paid all such sums of money which he shall so take at the next General or Quarter Sessions of the Peace after he shall have so taken the same into the hands of the clerk of the peace, town clerk, or other such officer of the county or place within which such conviction shall have been made, who shall within fourteen days after his receipt thereof, and without fee or reward, pay or remit the same, for the use of Her Majesty, to the solicitor of the Post Office at the Post Office in London, Edinburgh, or Dublin, as the conviction shall happen to be in England, Scotland, or Ireland respectively; and every such Justice shall, within one week after every such payment made by him to a clerk of the peace, town clerk, or other such officer, transmit to such solicitor a schedule containing the name of the person so convicted, the nature of the offence, and the amount of the penalty in which he shall have been convicted, the date of such conviction, and the sum of money which shall have been paid by virtue thereof, together with the name of the clerk of the peace, town clerk, or other such officer to whom he shall have paid the same; and every Justice who shall omit to pay or cause to be paid to such clerk of the peace or other officer as aforesaid, at the time and in the manner hereinbefore directed, any such penalty or share of penalty received by him, or upon payment thereof shall omit to transmit to the proper solicitor of the Post Office such schedule, and every clerk of the peace, town clerk, or other officer who shall omit to pay or remit the penalty or share of penalty to such solicitor of the Post Office, within the time and in the manner hereinbefore directed in that behalf, shall forfeit 50*l*.

XVII. That when any person shall be summoned before a Justice of the Peace to answer an information or complaint exhibited or made against him by a person other than an officer of the Post Office, touching an offence committed or alleged to have been committed by such person against the Post Office Acts, and such information or complaint shall afterwards be withdrawn, or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, the Justice may order and award that the informer or person exhibiting the information or making the complaint shall pay to the defendant such costs of making or preparing for his defence, and also such compensation for his loss of time, and for the time of his witnesses (if any), in attending such Justice touching such information or complaint, as to such Justice shall seem reasonable; and in default of immediate payment of the sum so awarded the Justice may cause the same to be levied by distress and sale of the goods and chattels of the person ordered to pay the same, together with the costs of such distress and sale; and if goods and chattels of such person sufficient to answer the sum so awarded, and such costs as aforesaid, cannot be found, the Justice may commit such person to the common gaol or house of correction for any time not exceeding one calendar month, unless the sum so awarded, together with all costs and expenses, shall be sooner paid.

XVIII. That a summons issued by a Justice of the Peace, requiring a defendant or a witness or other person to appear before him or any other Justice, with reference to an information, complaint, or other proceeding for the recovery of any postage, postage debt, or penalty under the Post Office Acts, shall be deemed to be sufficiently served in case either the summons or a copy thereof be served personally upon the person as aforesaid, or be left at his usual or last known place of residence, or if such person be a proprietor, driver, conductor, or guard of any stage carriage, if such summons or copy be left with the book-keeper or person for the time being acting as book-keeper for such stage carriage in any town or place from, into, or through which such carriage shall go or be driven nearest to the place where any such offence shall be committed.

XIX. That every constable or other peace officer who shall refuse or neglect to serve a summons or execute a warrant or order granted, issued, or made by a Justice of the Peace, pursuant to the Post Office Acts, shall forfeit 10*l*.

XX. That every person who shall be summoned as a witness to give evidence before a Justice of the Peace, or before Justices at sessions, touching the matters alleged in or relating to an information, complaint, appeal, or other proceeding depending before such Justice or Justices for the recovery of a postage, postage debt, or penalty under the Post Office Acts, who shall neglect or refuse to appear before such Justice or Justices at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such Justice or Justices, and every person so summoned who shall appear, but shall refuse to be examined and give evidence before such Justice or Justices touching the matters aforesaid, shall forfeit 10*l*.

XXI. That upon the trial or hearing of an information exhibited or complaint made under the Post Office Acts any officer of the Post Office shall be a competent witness, notwithstanding that such officer may be the informant or complainant, or may be entitled to or expect a part of any pecuniary penalty, or any remuneration or reward on the conviction of an offender upon such information or complaint.

XXII. That in all cases where goods or chattels distrained or otherwise seized or taken under the Post Office Acts are directed to be sold the same shall be sold by public auction; and notice of the time and place of such sale shall be given to the owner of such goods or chattels, or left at his last known place of abode, three days at least prior to such sale: Provided always, that if the owner of any such goods or chattels shall give his consent in writing to the sale thereof at an earlier period than is by this Act or shall be by any such notice appointed for such sale, or in any other manner than is by this Act directed, it shall be lawful to sell such goods or chattels according to such consent: Provided also, that if the owner of such goods or chattels shall at any time before the sale thereof pay or tender to the person who by any warrant or other process shall be directed or authorized to cause such goods or chattels to be sold the sum which he shall by such warrant or process be directed to levy or raise by the sale of such goods or chattels, together with all reasonable costs and expenses incurred, no sale of such goods or chattels shall be made.

XXIII. That the Postmaster General may compromise and compound any action, suit, bill, plaint, or information which shall at any time hereafter be commenced by his authority or under his controul against any person for recovering penalties incurred under the Post Office Acts, on such terms and conditions as the Postmaster General shall in his absolute discretion think proper, with full power for him, or any of his officers or agents by him thereunto authorized, to accept the penalties so incurred or alleged to be incurred, or any part thereof, without action, suit, or information brought or commenced for recovery thereof.

xxiv. That all penalties incurred by any person for offences against the Post Office Acts shall be sued for within the space of one year next after the penalty shall be incurred.

xxv. That every person employed by or under the Post Office who shall contrary to his duty open or procure or suffer to be opened a post letter, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, shall in England and Ireland be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet: Provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof; nor to the opening or detaining or delaying of a post letter in obedience to an express warrant in writing under the hand (in Great Britain) of one of the principal Secretaries of State, and in Ireland under the hand and seal of the Lord Lieutenant of Ireland.

xxvi. That every person employed under the Post Office who shall steal, or shall for any purpose whatever embezzle, secrete, or destroy, a post letter, shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and shall, at the discretion of the Court, either be transported beyond the seas for the term of seven years, or be imprisoned for any term not exceeding three years; and if any such post letter so stolen or embezzled, secreted or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be transported beyond the seas for life.

xxvii. That every person who shall steal from or out of a post letter any chattel or money or valuable security shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and shall be transported beyond the seas for life.

xxviii. That every person who shall steal a post letter bag, or a post letter from a post letter bag, or shall steal a post letter from a Post Office, or from an officer of the Post Office, or from a mail, or shall stop a mail with intent to rob or search the same, shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and shall be transported beyond the seas for life.

xxix. That every person who shall steal or unlawfully take away a post letter bag sent by a Post Office packet, or who shall steal or unlawfully take a letter out of any such bag, or shall unlawfully open any such bag, shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and shall be transported beyond the seas for any term not exceeding fourteen years.

And with regard to receivers of property sent by the Post and stolen therefrom:—

It is Enacted,

xxx. That every person who shall receive any post letter or post letter bag, or any chattel or money or valuable security, the stealing or taking or embezzling or secreting whereof shall amount to a felony under the Post Office Acts, knowing the same to have been feloniously stolen, taken, embezzled, or secreted, and to have been sent or to have been intended to be sent by the Post, shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable to be transported beyond the seas for life.

And after reciting that post letters are sometimes by mistake delivered to the wrong person, and post letters and post letter bags are lost in the course of conveyance or delivery thereof, and are detained by the finders in expectation of gain or reward:

It is Enacted,

xxxi. That every person who shall fraudulently retain, or shall wilfully secrete, or keep or detain, or being required to deliver up by an officer of the Post Office, shall neglect or refuse to deliver up a post letter which ought to have been delivered to any other person, or a post letter bag or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting or refusing to deliver up the same, or by any other person, shall in England and Ireland be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted thereof shall be liable to be punished by fine and imprisonment.

And for the protection of printed votes and proceedings in Parliament and printed newspapers sent by the Post:—

It is Enacted,

xxxii. That every person employed in the Post Office who shall steal, or shall for any purpose embezzle, secrete, or destroy, shall wilfully detain or delay in course of conveyance or delivery thereof by the post, any printed votes or proceedings in Parliament or any printed newspaper, or any other printed paper whatever sent by the Post without covers, or in covers open, shall in England and Ireland be guilty of a misdemeanor, and in Scotland of a crime and offence, and being convicted shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem meet.

xxxiii. That

every person who shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or of any pen or handwriting of the Receiver General for the time being of the General Post Office in England or Ireland, or obtaining of any person employed by or under him, to any draft, instrument, or writing whatsoever, for or in order to the receiving of the Receiver General in the hands or custody of the Governor and Company of the Bank of England or Ireland on account to be forged or altered, at the Post Office, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same for money or for payment of draft, warrant, or order of such Receiver General, or of any person employed by or under him, shall be guilty of felony, and being convicted thereof shall be transported beyond the seas for life.

And in order to prevent the imitation and forgery of lawful franks,—

It is Enacted,

xxxiv. That every person who shall forge or counterfeit the handwriting of another person in the superscription of a post letter, or who shall alter or change upon a post letter the superscription thereof, or who shall write or send by the Post or cause to be written or sent by the Post a letter the superscription whereof in whole or in part shall be forged or counterfeited or altered, knowing the same to be forged, counterfeited, or altered, with intent in either of those cases to avoid the payment of the duty of postage, shall in England and Ireland be guilty of felony, and in Scotland of a high crime and offence, and being convicted thereof shall be transported beyond the seas for the term of seven years.

xxxv. That in the case of every felony punishable under the Post Office Acts, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by the Post Office Acts punishable; and every accessory after the fact to any felony punishable under the Post Office Acts (except only a receiver of any property or thing stolen, taken, embezzled, or secreted,) shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under the Post Office Acts shall be liable to be indicted and punished as a principal offender.

xxxvi. That every person who shall solicit or endeavour to procure any other person to commit a felony or misdemeanor punishable by the Post Office Acts shall in England and Ireland be guilty of a misdemeanor, and in Scotland of a crime and offence, and being thereof convicted shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years.

And for the more effectual prosecution of offences committed against the Post Office Acts:—

It is Enacted,

xxxvii. That the offence of every offender against the Post Office Acts may be dealt with, and indicted and tried, and punished, and laid and charged to have been committed in England and Ireland, either in the county or place where the offence shall be committed, or in any county or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that county or place, and if committed in Scotland either in the High Court of Justiciary at Edinburgh or in the Circuit Court of Justiciary to be holden by the Lords Commissioners of Justiciary within the district where such offence shall be committed, or in any county or place within which such offender shall be apprehended or be in custody, as if his offence had been actually committed there; and where an offence shall be committed in or upon or in respect of a mail, or upon a person engaged in the conveyance or delivery of a post letter bag or post letter, or in respect of a post letter bag or post letter, or a chattel or money or valuable security sent by the Post, such offence may be dealt with and inquired of, and tried and punished, and laid and charged to have been committed, as well in any county or place in which the offender shall be apprehended or be in custody, as also in any county or place through any part whereof the mail, or the person, or the post letter bag or the post letter, or the chattel, or the money, or the valuable security sent by the Post in respect of which the offence shall have been committed, shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had been actually committed in such county or place; and in all cases where the side or the centre or other part of a highway, or the side, the bank, the centre, or other part of a river, or canal or navigation, shall constitute the boundary of two counties, such offence may be dealt with and inquired of, and tried and punished, and laid and charged to have been committed in either of the said counties through which or adjoining to which or by the boundary of any part of which the mail or person shall have passed in due course of conveyance or delivery by the Post, in the same manner as if it had actually been committed in such county or place; and every accessory before or after the fact to any such offence, if the same be a felony or a high crime, and every person aiding or abetting or counselling or procuring the commission of any such offence, if the same be a misdemeanour, may be dealt with, indicted, tried, and punished as if he were a principal, and his offence laid and charged to have been committed in any county or place in which the principal offender may be tried.

xxxviii. That where an offence shall have been committed in Scotland no person committed in Scotland on a charge of a high crime or offence under this Act shall be entitled to insist on bail; nevertheless in the following cases the party may be admitted to bail; (that is to say,) First, if the public prosecutor shall consent thereto, in which case the bail shall be such as he shall agree to; Second, if the Judges of the Court of Justiciary, or the sheriff or sheriff's substitute, or steward or steward's substitute of the county or stewartry within which the person shall be committed, shall deem it consistent with the ends of justice, and in this case the bail shall be of such amount as such Judge, under the circumstances of the case, may think necessary for ensuring the appearance for trial of the person accused.

xxxix. That where an offence punishable under the Post Office Acts shall be committed within the jurisdiction of the Admiralty the same shall be dealt with and inquired of and tried and determined in the same manner as any other offence committed within that jurisdiction.

xl. That in every case where an offence shall be committed in respect of a post letter bag or a post letter, or a chattel, money, or a valuable security, sent by the Post, it shall be lawful to lay in the indictment or criminal letters to be preferred against the offender the property of the post letter bag or of the post letter, or chattel or money, or the valuable security sent by the Post, in the Postmaster General; and it shall not be necessary in the indictment or criminal letters to allege or to prove upon the trial or otherwise that the post letter bag or any such post letter or valuable security was of any value; and in any indictment or in any criminal letters to be preferred against any person employed under the Post Office for any offence committed against the Post Office Acts it shall be lawful to state and allege that such offender was employed under the Post Office of the United Kingdom at the time of the committing of such offence, without stating further the nature or particulars of his employment.

XLJ. That every person convicted of any offence for which the punishment of transportation for life is herein awarded shall be liable to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years; and every person convicted of any offence punishable according to the Post Office Acts by transportation for fourteen years shall be liable to be transported for any term not exceeding fourteen years nor less than seven years, or to be imprisoned for any term not exceeding three years.

XLII. That where a person shall be convicted of an offence punishable under the Post Office Acts for which imprisonment may be awarded the Court may sentence the offender to be imprisoned, with or without hard labour, in the common gaol or house of correction, and may also direct that he shall be kept in solitary confinement for the whole or any portion of such imprisonment, as to the Court shall seem meet.

XLIII. That so often as any sum or sums of money not exceeding 20*l.* shall be due for postage from any person within the United Kingdom or other Her Majesty's dominions, or which shall be due for postage from any deputy, agent, or letter carrier, or any other person employed in receiving or collecting the postage of letters or any of the Post Office revenue, or from the sureties of any such last-mentioned person, a complaint may be made to one or more of Her Majesty's Justices acting for the place (whether county, riding, division, city, town, or other place), and thereupon he shall summon the party complained of and the witnesses on either side, and shall examine into the matter of fact; and on due proof being made of the money due from the person complained of, either by his voluntary confession or by the oath of one witness or more, the Justice shall grant a warrant to a peace officer (whether constable, tithingman, or other peace officer,) of the same place to distrain the party complained of by his goods and chattels to the amount of the debt and of all the expenses, (whether costs, charges, or otherwise, of obtaining such warrant, and of the proceedings relating thereto, and to the making of the distress and sale thereof); and the constable having taken the distress may keep it for five days at the charge of the party complained of, and if the amount of the debt and all the expenses shall not be paid within that time, then the goods and chattels distrained shall be sold by the peace officer, and the surplus (if any) of the money arising by the sale thereof, after deducting the amount of the debt and all the expenses, shall be rendered by the peace officer to the person distrained upon; and for the purpose of taking such distress the peace officer, when either a refusal or a resistance shall be made, may break open in the daytime any place (whether house, building, or otherwise,) where any goods or chattels of such person shall be; and if no sufficient distress can be had whereon to levy the debt and expenses, or in case an insufficient distress only can be found, or if an insufficient distress has been sold, then a Justice of the Peace may commit such person to the prison of the place, there to remain until the debt and all expenses, or so much thereof as shall remain after deducting therefrom the proceeds of the sale, shall be satisfied; and, in addition to the above proceedings, if the postage due from any officer of the Post Office, surety, or any other person in Ireland shall not exceed 50*l.*, the same may be recovered with full costs in a summary way by process or civil bill in the court of the district where the person sued shall reside which has jurisdiction to try matters on civil bill; but no decree shall be made thereon unless process or civil bill shall have been served on the person sued eight clear days at least before the first day of the Quarter Sessions at which it is to be tried; and if the person sued shall appeal from the decree made thereon against him, and on the hearing of the appeal the decree shall be affirmed, he shall pay to Her Majesty double the costs of the original decree, and the affirmance thereof shall be conclusive on all the parties therein.

XLIV. That all duties of postage granted by any of the Post Office Acts, and charged by virtue thereof, may be sued for and recovered by suit, action, or information in any of Her Majesty's courts of record, and by all such ways and means, and in such manner and form as any other duties granted to Her Majesty by any Act or Acts relating to Her Majesty's revenue are recoverable by law, as well as by the particular ways and means provided by this Act; and in all actions, bills, plaints, informations, and proceedings to be commenced, prosecuted, entered, or filed in the name or on behalf of Her Majesty for the recovery of any duties, Her Majesty may have and recover such duties with full costs of suit.

XLV. That every complaint, information, summons, conviction, warrant of distress, or commitment or other such proceeding which shall be had or taken for the recovery of any postage debt or penalty under the provisions of the Post Office Acts, may be drawn or made out according to the several forms contained in the Schedule hereunto annexed, or to the effect thereof, with such changes therein as the case shall require; and every such complaint, information, summons, conviction, warrant, or other such proceeding which shall be so drawn or made out shall be good and effectual to all intents and purposes whatsoever, without stating the case or the facts or evidence in any more particular manner than is required in and by such forms respectively.

And for the protection of the persons acting in the execution of the Post Office Acts,—

It is Enacted,

XLVI. That all legal proceedings, whether by action or by prosecution, which shall be commenced against any person for anything done in pursuance of or under the Post Office Acts, shall be commenced and prosecuted within three calendar months next after the commission of the act, and not afterwards; and such proceedings shall be laid and tried in the county or place where the cause of action shall arise, and not elsewhere; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in the following cases the defendant shall recover his full costs of suit as between attorney and client, that is to say, if a verdict shall pass for the defendant, or if the plaintiff shall become nonsuit, or if the plaintiff shall discontinue the action, or if on demurrer or otherwise judgment shall be given against the plaintiff; and the defendant shall have the like remedy for his costs as any defendant may have for costs of suits in other cases at law; and although a verdict shall be given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action, and of the verdict obtained thereupon.

And for the interpretation of the Post Office laws,—

It is Enacted,

XLVII. That the following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject or inconsistent with the context of the provisions in which they may

be found; (that is to say), the term "British letter" shall mean a letter transmitted within the United Kingdom; and the term "British newspapers" shall mean newspapers printed and published in the United Kingdom liable to the stamp duty and duly stamped; and the term "British postage" shall mean the duty chargeable on letters transmitted by Post from place to place within the United Kingdom, or if transmitted to or from the United Kingdom, chargeable for the distance which they shall be transmitted within the United Kingdom, and including also the packet postage, if any; and the term "colonial letter" shall mean a letter transmitted between any of Her Majesty's colonies and the United Kingdom; and the term "colonial newspapers" shall mean newspapers printed and published in any of Her Majesty's dominions out of the United Kingdom; and the term "Convention Posts" shall mean Posts established by the Postmaster General under agreements with the inhabitants of any places; and the term "double letter" shall mean a letter having one inclosure; and the term "double postage" shall mean twice the amount of single postage; and the term "East Indies" shall mean every port and place within the territorial acquisitions now vested in the East India Company in trust for Her Majesty, and every other port or place within the limits of the charter of the said Company (China excepted), and shall also include the Cape of Good Hope; and the term "express" shall mean every kind of conveyance employed to carry letters on behalf of the Post Office other than the usual mail; and the term "foreign country" shall mean any country, state, or kingdom not included in the dominions of Her Majesty; and the term "foreign letter" shall mean a letter transmitted to or from a foreign country; and the term "foreign newspapers" shall mean newspapers printed and published in a foreign country in the language of that country; and the term "foreign postage" shall mean the duty charged for the conveyance of letters within such foreign country; and the term "franking officer" shall mean the person appointed to frank the official correspondence of offices to which the privilege of franking is granted; and the term "Her Majesty" shall mean "Her Majesty, her heirs and successors"; and the term "Her Majesty's colonies" shall include every port and place within the territorial acquisitions now vested in the East India Company in trust for Her Majesty, the Cape of Good Hope, the islands of Saint Helena, Guernsey, Jersey, and Isle of Man, (unless any such places be expressly excepted,) as well as Her Majesty's other colonies and possessions beyond seas; and the term "inland postage" shall mean the duty charged for the transmission of post letters within the limits of the United Kingdom or within the limits of any colony; and the term "letter" shall include packet, and the term "packet" shall include letter; and the expression "Lord Lieutenant of Ireland" shall mean the Chief Governor or Governors of Ireland for the time being; and the expression "Lords of the Treasury" shall mean the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them; and the term "mail" shall include every conveyance by which post letters are carried, whether it be a coach or cart or horse, or any other conveyance, and also a person employed in conveying or delivering post letters, and also every vessel which is included in the term packet boat; and the term "mail bag" shall mean a mail of letters, or a box, or a parcel, or any other envelope in which post letters are conveyed, whether it does or does not contain post letters; and the term "master of a vessel" shall include any person in charge of a vessel, whether commander, mate, or other person, and whether the vessel be a ship of war or other vessel; and the expression "officer of the Post Office" shall include the Postmaster General, and every deputy postmaster, agent, officer, clerk, letter carrier, guard, post boy, rider, or any other person employed in any business of the Post Office, whether employed by the Postmaster General, or by any person under him or on behalf of the Post Office; and the term "packet postage" shall mean the postage chargeable for the transmission of letters by packet boats between Great Britain and Ireland, or between the United Kingdom and any of Her Majesty's colonies, or between the United Kingdom and foreign countries; and the term "packet letter" shall mean a letter transmitted by a packet boat; and the term "penalty" shall include every pecuniary penalty or forfeiture; and the expression "persons employed by or under the Post Office" shall include every person employed in any business of the Post Office according to the interpretation given to officer of the Post Office; and the terms "packet boats" and "Post Office packets" shall include vessels employed by or under the Post Office or the Admiralty for the transmission of post letters, and also ships or vessels (though not regularly employed as packet boats) for the conveyance of post letters under contract, and also a ship of war or other vessel in the service of Her Majesty, in respect of letters conveyed by it; and the term "postage" shall mean the duty chargeable for the transmission of post letters; and the term "post town" shall mean a town where a Post Office is established (not being a Penny or Twopenny or Convention Post Office); and the term "post letter bag" shall include a mail bag or box, or packet or parcel, or other envelope or covering in which post letters are conveyed, whether it does or does not contain post letters; and the term "post letter" shall mean any letter or packet transmitted by the Post under the authority of the Postmaster General, and a letter shall be deemed a post letter from the time of its being delivered to a Post Office to the time of its being delivered to the person to whom it is addressed; and the delivery to a letter carrier or other person authorized to receive letters for the Post shall be a delivery to the Post Office; and a delivery at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent or other person considered to be authorized to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; and the term "Post Office" shall mean any house, building, room, or place where post letters are received or delivered, or in which they are sorted, made up, or despatched; and the term "Postmaster General" shall mean any person or body of persons executing the office of Postmaster General for the time being, having been duly appointed to the office by Her Majesty; and the terms "Post Office Acts" and "Post Office Laws" shall mean all Acts relating to the management of the Post, or to the establishment of the Post Office, or to postage duties, from time to time in force; and the term "ships" shall include vessels other than packet boats; and the term "single postage" shall mean the postage chargeable for a single letter; and the term "single letter" shall mean a letter consisting of one sheet or piece of paper, and under the weight of an ounce; and the term "sea postage" shall mean the duty chargeable for the conveyance of letters by sea by vessels not packet boats; and the term "ship letter" shall mean a letter transmitted inwards or outwards over seas by a vessel not being a packet boat; and the term "treble letter" shall mean a letter consisting of more than two sheets or pieces of paper, whatever the number, under the weight of an ounce; and the term "treble postage" shall mean three times the amount of single postage; and the term "treble the duty of postage" shall mean three times the amount of the postage to which the letter to be charged would otherwise have been liable according to the rates of postage chargeable on letters; and the term "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland; and the term "valuable security" shall include the whole or any part of any tally, order, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether

of this kingdom or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, or to any deposit in any savings bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, or of any warrant or order for the delivery or transfer of any goods or valuable thing; and the term "vessel" shall include any ship or other vessel not a Post Office packet; and whenever the term "between" is used in reference to the transmission of letters, newspapers, parliamentary proceedings, or other things between one place and another it shall apply equally to the transmission from either place to the other; and every officer mentioned shall mean the person for the time being executing the functions of that officer; and whenever in this Act or the Schedules thereto, with reference to any person, or matter, or thing, or to any persons, matters, or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person, matter, or thing, as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

XLVIII. That this Act shall extend to and be in force in the islands of Man, Jersey, Guernsey, Sark, and Alderney, and in all Her Majesty's colonies and dominions where any Post or Post communication is established by or under the Postmaster General of the United Kingdom of Great Britain and Ireland.

XLIX. That this Act may be altered or repealed during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

No. 1.

Form of an Information for the Recovery of a Penalty under this Act.

County [or as the } BE it remembered, That on the Day of in the Year of our Lord
Case may be] of at in the of A.B. of, &c. [or A.B., an Officer of the Post
to wit. } Office, as the Case may be] cometh before me, C.D. Esquire, one of Her Majesty's Justices of the Peace for
the said and informeth me the said Justice that E.F. of heretofore, to wit, on the
Day of in the Year of our Lord at in the said did [here state the
Offence], contrary to the Form of the Statute in such Case made and provided, whereby the said E.F. hath forfeited for his
said Offence the Sum of
Taken and received by me, the Day and Year first above written.

No. 2.

Form of a Summons on the foregoing Information.

To E.F. of, &c.
County [or as the } WHEREAS an Information hath been exhibited before me, C.D. Esquire, One of Her Majesty's Justices of
Case may be] of the Peace for the of charging that you the above-named E.F., on the
to wit. } Day of at did [here state the Substance of the Charge], whereby you have forfeited
the Sum of These are therefore to require you personally to be and appear before me the said Justice, or before
such other of Her Majesty's Justices of the Peace for the said as shall be then present, at
Day of at the Hour of in the noon of the same Day, then and there to
answer the same information and to make your Defence thereto; and if you fail to appear accordingly such Proceedings will
be taken as if you had personally appeared and had not made any Defence to the said Charge.
Given under my Hand and Seal this Day of

No. 3.

Form of a Conviction on the foregoing Information.

County [or as the } BE it remembered, That on the Day of at E.F. of, &c. was duly convicted
Case may be] of before me One of Her Majesty's Justices of the Peace for in pursuance of an Act passed
to wit. } in the First Year of the Reign of Her Majesty Queen Victoria, intituled "An Act," &c. [Title of this Act] for
that the said E.F. on the Day of did [here state the Offence as the Case may happen to be], contrary to the
Form of the Statute in that Case made and provided; for which Offence I do adjudge that the said E.F. hath forfeited the Sum
of and [if the Justice mitigate the Penalty] which sum of I do hereby mitigate to the Sum of
over and above the Sum of for the Costs and Charges of G.H., the Informer, in prosecuting this Conviction.
Given under my Hand and Seal the Day of

No. 4.

Form of a Warrant of Distress founded on the foregoing Conviction.

To the Constable of _____ in the _____ of _____
 County [or as the] WHEREAS E.F. of _____ has been duly convicted of a certain Offence, for [here state the Offence as
 Case may be] of _____ in Conviction] whereby he hath forfeited the Sum of _____ [and in case of Mitigation, which hath
 to wit.] been mitigated to the Sum of _____] over and above the reasonable Costs and Charges of the
 Informer, allowed and assessed at the Sum of _____ : Therefore I command you to levy the said Sum of _____
 and also the said sum of _____ for the Costs and Charges aforesaid; making together the Sum of _____ by
 distraining the Goods and Chattels of the said E.F.; and if within the Space of Five Days next after such Distress taken the
 said Sum of _____ together with the reasonable Costs and Charges of taking and keeping such Distress, shall not be
 paid, then I order and direct that you shall sell and dispose of the said Goods and Chattels which shall be so distrained, seized,
 and taken as aforesaid, and shall levy and raise thereout the said Sum of _____ and all reasonable Costs and Charges of
 taking and keeping and selling such Distress, rendering the Overplus, if any, to the Owner of the said Goods and Chattels;
 and you are to certify to me what you shall have done by virtue of this my Warrant. Given under my Hand and Seal the
 Day of _____
 (Signed) _____ One of Her Majesty's Justices of the Peace for the said _____ of _____

No. 5.

Form of a Warrant of Commitment for Want of a sufficient Distress founded on the foregoing Conviction.

To the Constable of _____ and to the Keeper of the Common Gaol [or House of Correction] at _____
 in the said _____
 County [or as the] WHEREAS E.F. or _____ has been duly convicted of a certain Offence, for that [here state the Offence
 Case may be] of _____ as in the Conviction], whereby he hath forfeited the Sum of _____ [and in case of Mitigation, which hath
 to wit.] been mitigated to the Sum of _____] over and above the reasonable Costs and Charges of the Informer,
 allowed and assessed at the Sum of _____ making together the the Sum of _____ : And whereas it has been duly
 made to appear to me, that no sufficient Distress can be found whereon to levy the said Sum of _____ : Therefore I
 command you the Constable of _____ to apprehend and take the said E.F. and safely to carry him to the Common Gaol
 [or House of Correction] at _____ in the _____ of _____ and there to deliver him to the Keeper thereof,
 together with this Warrant; and I do hereby command you the said Keeper to receive into your Custody in the said Gaol [or
 House of Correction] him the said E.F., and him therein safely to keep for the Space of _____ unless the said Sum of _____
 shall be sooner paid. Given under my Hand and Seal the Day of _____
 (Signed) _____ One of Her Majesty's Justices of the Peace for the said _____ of _____

No. 6.

Form of a Complaint whereon to found a Warrant of Distress for Recovery of Postage.

County [or as the] BE it remembered, That on this _____ Day of _____ in the Year of our Lord _____ at _____
 Case may be] of _____ in the _____ of _____ A.B., an Officer of the Post Office, complaineth to me,
 to wit.] C.D. Esquire, One of Her Majesty's Justices of the Peace for the said _____ that the Sum of _____
 is due and owing from E.F. of _____ to Her Majesty [or to the said A.B., if the Case be so,] for the Duty of Postage,
 which he hath refused or neglected to pay; and thereupon the said A.B. prayeth of me the said Justice that the said E.F.
 may be summoned to appear and shew Cause, if any he have, why, due Proof being made of the Sum due and owing from him
 for Postage as aforesaid, a Warrant of Distress should not be granted for Recovery thereof, pursuant to the Direction of the
 Statute in that behalf made.

Taken and received by me the Day and Year first above written.

No. 7.

Form of Summons on the foregoing Complaint.

To E.F. of _____
 County [or as the] WHEREAS Complaint has been made unto me, C.D. Esquire, One of Her Majesty's Justices of the Peace
 Case may be] of _____ for the _____ of _____ that the Sum of _____ is due and owing from you to Her Majesty
 to wit.] [or to A.B. an Officer of the Post Office, if the Case be so,] for the Duty of Postage, which you have refused
 or neglected to pay: These are therefore to summon you to be and appear at _____ in the said _____ on the _____
 Day of _____ at the Hour of _____ in the _____ noon of the same Day, before me the said
 Justice, or before such other of Her Majesty's Justices of the Peace for the said _____ as shall be then present, in order
 that you may shew Cause, if any you have, why, on due Proof being made of the Sum of Money due and owing from you for
 such Duty of Postage as aforesaid, a Warrant of Distress should not be granted for the Recovery thereof, pursuant to the
 Directions of the Statute in that Behalf made; and if you fail to appear accordingly, such Proceedings will be taken as if you
 had appeared, and had not shewn any sufficient Cause why such Warrant should not be granted. Given under my Hand and
 Seal this _____ Day of _____

No. 8.

Form of a Warrant of Distress founded on the foregoing Complaint.

To the Constable of [or to C.D. of as the Case may be.]
 County [or as the Case may be] of } WHEREAS Complaint hath been made that E.F. of is indebted to Her Majesty [or to A.B. an
 Officer of the Post Office, if the Case be so,] in the Sum of for the Duty of Postage, which he
 hath refused or neglected to pay: And whereas the said E.F. hath been duly summoned, and due Proof
 hath been made on Oath before me that the Sum of is due and owing from the said E.F. for such Duty of Postage
 as aforesaid, and that he hath neglected to pay the same: Therefore I command you to distrain the said E.F. by his Goods
 and Chattels, and to levy thereon the said last-mentioned Sum, being the Amount of such Duty of Postage as aforesaid, and
 also the further Sum of for the Costs, Charges, and Expenses of proceeding for and obtaining this Warrant, and
 of the Proceedings incident and relating thereto, making together the Sum of and if within the Space of Five
 Days next after the taking of such Distress the Sum of together with the reasonable Costs and Charges of taking
 and keeping such Distress, shall not be paid, then I do hereby order and direct that you shall sell and dispose of the said
 Goods and Chattels which shall be so distrained, and that you shall levy and raise thereout the said Sum of and
 all reasonable Costs and Charges of taking, keeping, and selling such Distress, rendering the Overplus (if any) to the Owner
 of the said Goods and Chattels; and you are to certify to me what you have done by virtue of this my Warrant. Given under
 my Hand and Seal this Day of
 (Signed) One of Her Majesty's Justices of the Peace for the said of

No. 9.

Form of a Warrant of Commitment for Want of sufficient Distress, founded on the foregoing Complaint.

To the Constable of in the of and also to the Keeper of the Common Gaol [or
 House of Correction] at in the said
 County [or as the Case may be] of } WHEREAS Complaint was made that E.F. of was indebted to Her Majesty [or to A.B. an Officer
 of the Post Office, if the Case be so,] in the Sum of for the Duty of Postage which he had
 refused or neglected to pay: And whereas the said E.F. was duly summoned, and due Proof was made on
 Oath that the Sum of was due and owing from the said E.F. for such Duty of Postage as aforesaid, and that he
 had neglected to pay the same: And whereas a Warrant has been issued directed to C.D. of commanding him,
 by Distress and Sale of the Goods and Chattels of the said E.F., to levy the said last-mentioned Sum, being the Amount of
 such Duty of Postage as aforesaid, due and owing from the said E.F., and also the further Sum of for the Costs,
 Charges, and Expenses of proceeding for and obtaining the said Warrant, and of the Proceedings incident and relating thereto,
 making together the Sum of ; and it now appearing to me by the Oath of the said C.D. that no sufficient Distress
 can be found whereon to levy the said Duty, Costs, and Charges [or in case an insufficient Distress shall have been taken], And
 whereas the said C.D. hath certified to me that he hath under the said Warrant levied and raised the Sum of
 only; and it now appearing to me by the Oath of the said C.D. that no sufficient Distress can be found whereon to levy the
 Residue of the said Duty, Costs, and Charges: Therefore I command you the said Constable of to apprehend and
 take the said E.F., and safely to convey him to the Common Gaol [or House of Correction] of the said at
 in the said and there to deliver him to the Keeper thereof, together with this Warrant; and I do hereby command
 you the said Keeper to receive into your Custody in the said Gaol [or House of Correction] him the said E.F., and him therein
 safely to keep until the said Sum of or until the Sum of the Residue of the said Duty, Costs, and
 Charges remaining after deducting the said Sum of so levied and raised as aforesaid, shall be fully paid and
 satisfied. Given under my Hand and Seal this Day of
 (Signed) One of Her Majesty's Justices of the Peace for the said

CAP. XXXVII.

AN ACT to continue until the First Day of *July* in the Year One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis.

(12th July 1837.)

CAP. XXXVIII.

AN ACT for raising the Sum of Thirteen millions six hundred and twenty-three thousand three hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-seven.

(12th July 1837.)

By this ACT, the Commons grant, and it is Enacted,

- i. That the Treasury may raise 13,623,300*l.* by Exchequer bills, in like manner as is prescribed by 48 Geo. 3. c. 1.
- ii. The clauses, &c. in recited Act extended to this Act.
- iii. Treasury to apply the money raised.
- iv. Bills to be payable out of supplies of the next Session.
- v. Interest on Exchequer Bills.
- vi. Bills to be current at the Exchequer after 5th of April, 1838.
- vii. Bank of England may advance 13,623,300*l.* on the credit of this Act, notwithstanding 5 & 6 W. and M. c. 20.

CAP. XXXIX.

AN ACT to interpret the Words "Sheriff," "Sheriff Clerk," "Shire," "Sheriffdom," and "County," occurring in Acts of Parliament relating to *Scotland*.

(12th July 1837.)

By this ACT,

After reciting that it is expedient that the words "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," used in Acts of Parliament relating to *Scotland*, should be interpreted in manner hereinafter mentioned :

It is Enacted,

That in all cases in which the words "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," occur in any existing Act of Parliament, or shall occur in any future Act, relating to *Scotland*, the word "sheriff," shall be deemed and taken to comprehend and apply to any steward, the words "sheriff clerk" to comprehend "steward clerk," and the words "shire," "sheriffdom," and "county" to comprehend and apply to any stewardry in *Scotland*, excepting where otherwise specially provided, and excepting cases in which there is anything in the subject or context repugnant to such meaning and application.

CAP. XL.

AN ACT to continue an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*, until the First Day of *May* One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament.

(12th July 1837.)

CAP. XLI.

AN ACT for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs in *Scotland*.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Recited Act, 10 Geo. 4. c. 55. repealed, except as to causes commenced.
2. Sheriffs may hear and determine in a summary way causes for sums under 8*l.* 6*s.* 8*d.* sterling.
3. Providing forms of proceedings.
4. Causes of higher value than 8*l.* 6*s.* 8*d.* reduced to 8*l.* 6*s.* 8*d.* may be remitted to the Small Debt roll.
5. Recovery of rents not exceeding 8*l.* 6*s.* 8*d.*
6. Arrestment of goods of defender.
7. Wages not liable to arrestment.
8. For providing how arrestments may be loosed.
9. Rendering arrestments effectual.
10. Actions of multiplepoinding.

11. Counter claims.
12. Compelling attendance of witnesses.
13. Hearing and judgment.—Arrestment.
14. Procurators, &c. not to appear or plead, nor pleadings to be reduced to writing, without leave of Court.
15. Parties not appearing or making sufficient excuse to be held confessed.
16. Hearing in cases of decrees in absence.
17. Book of causes, &c. to be kept.
18. Power to direct payment by instalments.
19. Decrees may be enforced in any other county.
20. Appraisement and sale of pointed and sequestered effects.
21. One witness sufficient.
22. Actions for damages by riot under 3 Geo. 4. c. 33, and for recovery of assessments authorized by 9 Geo. 4. c. 39. may be determined by this Act.
23. Sheriffs to hold Circuit Courts for small debt causes.
24. Sheriff empowered to change places and times.
25. Sheriff clerks to appoint deputies, and to give notices.
26. Actions to be brought in the place of defender's domicile.
27. Sheriff may adjourn causes to any of his other Small Debt Courts.
28. Sheriff of Moray may hold courts at Grantown.
29. Sheriff and sheriff clerk's expenses at Circuit Courts.
30. Decree not subject to review, except as hereby provided.
31. Form of review provided.
32. Fees to be taken.
33. Table of fees to be printed and hung up.
34. Officers neglecting duty to be fined.
35. Privileged persons not exempt.
36. Courts may limit fees in causes not exceeding 8*l.* 6*s.* 8*d.*
37. Meaning of words in this Act.
38. Act may be repealed, &c.

By this Act,

After reciting the passing of 10 Geo. 4. c. 55, and that its provisions have been found beneficial, but experience has pointed out certain alterations by which its benefits will be extended and rendered more effectual; and it is expedient that such alterations and the former provisions should be consolidated in one Act:—

It is Enacted,

I. That the said recited Act shall be and the same is hereby repealed from and after the 1st of October next, save and except as to such causes as shall have been commenced under the authority of the said recited Act before the said 1st of October next, and shall be then depending, all which causes shall be carried to a conclusion according to the rules prescribed by the said Act, notwithstanding this Act; and this Act shall commence and take effect from and after the said 1st of October next.

II. That it shall be lawful for any sheriff in Scotland, within his county to hear, try, and determine in a summary way, as more particularly hereinafter mentioned, all civil causes and all prosecutions for statutory penalties, as well as all maritime civil causes and proceedings, that may be competently brought before him, wherein the debt, demand, or penalty in question shall not exceed the value of 8*l.* 6*s.* 8*d.* sterling, exclusive of expenses and fees of extract: Provided always, that the pursuer or prosecutor shall in all cases be held to have passed from and abandoned any remaining portion of any debt, demand, or penalty beyond the sum actually concluded for in any such cause or prosecution.

III. That all such causes and prosecutions which the pursuers or prosecutors thereof shall choose to have heard and determined according to the summary mode hereby provided shall proceed, except as hereinafter provided, upon summons or complaint, agreeably to the form in Schedule (A.) annexed to this Act, and containing warrant to arrest upon the depending action, stating shortly the origin of debt or ground of action, and concluding against the defender; which summons or complaint, being signed by the sheriff clerk, shall be a sufficient warrant and authority to any sheriff's officer for summoning the defender to appear and answer at the time and place mentioned in such summons and complaint, not being sooner than upon the sixth day after such citation, and the same, or the copy thereof, served on the defender, shall also be a sufficient warrant for summoning such witnesses and havers as either party shall require; and a copy of the said summons or complaint, with the citation annexed, and also a copy of the account, if any, shall be served at the same time by the sheriff's officer on the defender personally or at his dwelling place, or in case of a company at their ordinary place of business; and the officer summoning parties, witnesses, or havers shall in all cases under this Act return an execution of citation, signed by him, or shall appear and give evidence on oath of such citation having been duly made; and all such citations given by an officer alone without witnesses, and executions thereof subscribed by such officer, shall be good and effectual to all intents and purposes.

IV. That in any cause before the sheriff's ordinary Court, in which the debt, demand, or penalty in question shall not exceed the value of 8*l.* 6*s.* 8*d.* sterling, or shall have exceeded the value of 8*l.* 6*s.* 8*d.* sterling, but from interim decree or otherwise the value shall, previous to the closing of the record, be reduced so as not to exceed 8*l.* 6*s.* 8*d.* sterling, exclusive of expenses and fees of extract, it shall be competent to the sheriff, if he shall think proper, and with the consent of the pursuer, to remit such cause to such of his Small Debt court rolls as may be proper, either of his own motion or upon the motion of any party in the cause: Provided, that if the pursuer shall not consent to the provisions of this Act as to the fees or expenses to be allowed

in causes below the value of 8*l.* 6*s.* 8*d.* brought not according to the summary form herein provided shall be applied to such causes subsequent to the proposition for remit, if the sheriff shall think proper so to modify the expenses: Provided also, that when a case has been remitted by the sheriff substitute from the ordinary Court to the Small Debt Court an appeal shall be competent to the sheriff against such remit, but no reclaiming petition shall be allowed against such remit.

v. That it shall be competent for the sheriff in the Small Debt Courts established or to be established under this Act to hear, try, and determine, in the summary form hereby provided, applications by landlords or others having right to the rents and hypothec for sequestration and sale of a tenant's effects for recovery of rent, provided the rent or balance of rent claimed shall not exceed 8*l.* 6*s.* 8*d.* sterling; and the summons and warrant of sequestration and procedure shall be agreeable to the forms directed in Schedule (B.) annexed to this Act; and the officer, when he executes the warrant, shall get the effects appraised by two persons, who may also be witnesses to the sequestration; and an inventory or list of the effects, with the appraisement, shall be given to or left for the tenant, who shall be cited in manner and to the effect aforesaid; and an execution of the citation and sequestration, with the appraisement of the effects, shall be returned to the clerk within three days; and on hearing the application in manner provided by this Act relative to other causes the sheriff shall dispose of the cause as shall be just, and may either recall the sequestration in whole or in part, or pronounce decree for the rent found due, and grant warrant for the sale of the sequestrated effects on the premises or at such other place and on such notice as he shall by general or special regulation direct, and failing such directions the sale shall be carried into effect in the manner hereinafter directed for the sale of pointed and sequestrated effects; and if after sequestration the tenant shall pay the rent claimed, with the expenses, to the pursuers, or consign the rent, with 2*l.* sterling to cover expenses, in the hands of the clerk of court, the sequestration shall *ipso facto* be recalled, in case of payment, on the clerk writing and signing on the back of the summons or warrant the words "payment made," which, on evidence being produced to him of payment of the rents claimed, with expenses, he is hereby required to do, and in case of consignment, after the clerk shall in like manner have written and signed the words "consignment made," on the same being intimated by an officer of court to the sequestering creditor.

vi. That the pursuer of any civil cause, including maritime civil causes and proceedings, may use arrestment on the dependence of the action of any money, goods, or effects to an amount or extent not exceeding the value of 8*l.* 6*s.* 8*d.* sterling, owing or belonging to such defender, in the hands of any third party, either within the county in which such warrant shall have been issued or in any other county or counties: Provided always, that before using such warrant in any other county it shall be presented to and indorsed by the sheriff clerk of such other county, who is hereby required to make such indorsement on payment of the fee hereinafter mentioned: Provided also, that any arrestment laid on under the authority of this Act shall, on the expiry of three months from the date thereof, cease and determine, without the necessity of a decree or warrant of loosing the same, unless such arrestment shall be renewed by a special warrant or order, duly intimated to the arrestee, in which case it shall subsist and be in force for the like time and under the like conditions as under the original warrant, or unless an action of forthcoming or multiplepoinding, in manner hereinafter provided, shall have been raised before the expiry of the said period of three months, in which case the arrestment shall subsist and be in force until the termination of such action of forthcoming or multiplepoinding.

vii. That wages of labourers and manufacturers shall, so far as necessary for their subsistence, be deemed alimentary, and, in like manner as servants' fees and other alimentary funds, not liable to arrestment.

viii. That when any arrestment shall have been used on the dependence of any action, it shall be competent to the defender to have such arrestment loosed, on lodging with the sheriff clerk of the county in which such arrestment shall have been used a bond or enactment of caution, by one or more good and sufficient cautioners to the satisfaction of such sheriff clerk, agreeably to the form in Schedule (C.) annexed to this Act, or on consigning in the hands of such sheriff clerk the amount of the debt or demand, with 5*s.* for expenses in cases of actions for sums below 5*l.*, and 10*s.* in cases of higher amount, or on producing to such sheriff clerk evidence of the defender having obtained decree of absolvitor in the action, or of his having paid the sums decreed for or of his having consigned in the hands of the clerk of the court in which the action depended the sums decreed for, or the amount of the debt or demand, and expenses as aforesaid, when no decree has yet been pronounced; and a certificate in the form in the said Schedule given by the sheriff clerk of the county in which such arrestment shall have been used of a bond or enactment of caution to the extent of the debt or demand and expenses having been lodged with him, or of consignment, as above provided, having been made in his hands, shall operate as a warrant for loosing any arrestment used either in that or in any other county on the dependence of the same action, without any other caution being found or any other consignment being made by the defender.

ix. That any person entitled to pursue an action of forthcoming where the sum or demand sought to be recovered under the forthcoming shall not exceed the value of 8*l.* 6*s.* 8*d.* sterling, exclusive of expenses and fees of extract, who shall choose to have the same heard and determined according to the summary mode provided by this Act, shall proceed by summons or complaint agreeably to the form in Schedule (D.) annexed to this Act, concluding for payment of the sum for which arrestment has been used, or for delivery of the goods and effects arrested, which summons or complaint, being signed by the sheriff clerk of the county in which the arrestee resides, shall be a sufficient warrant and authority to any sheriff's officer for summoning the arrestee and the common debtor to appear and answer at a sheriff court of the county in which the arrestee resides, the same not being sooner than the sixth day after the date of citation, and also for summoning witnesses and havers for all parties; and in the event of the common debtor not residing and not being found within the county in which such action of forthcoming shall be brought, he may be cited by any sheriff's officer in any other county on the said warrant, the same being first presented to and indorsed by the sheriff clerk of such other county, who is hereby required to indorse the same on payment of the fee hereinafter mentioned, to appear at a sheriff court in the county in which the arrestee resides, the same not being sooner than the twelfth day after the date of citation: Provided always, that the arrestee and the common debtor shall be cited to appear on the same court day, and that a copy of the said summons or complaint, with the citation annexed thereto, shall be duly served by the officer, all in the same manner as hereinbefore provided in other causes and prosecutions under authority of this Act, but always allowing to a party cited to appear in the sheriff court of a different county from that in

which the citation shall be given double the time required by this Act to be allowed to a party cited to appear in the sheriff Court of the county within which the citation shall be given: Provided also, that the pursuer of such action of forthcoming shall not by such action be held to have restricted the amount of the debt due by the common debtor.

x. That where any person shall hold a fund or subject which shall not exceed the value of 8l. 6s. 8d. which shall be claimed by more than one party, under arrestments or otherwise, it shall be competent to raise a summons of multiplepounding in the Small Debt Court established or to be established under this Act, to the jurisdiction of which the holder of the fund or subject shall be amenable, which summons and procedure thereon shall be agreeable to the form in Schedule (E.) annexed to this Act, and the claimants and common debtors, and also the holder of the fund or subject, if the process be raised in his name by any other party interested, shall be cited in manner directed to be followed in actions of forthcoming raised under this Act; and it shall be competent to the sheriff, when he shall see cause, to order such further intimation or publication of the multiplepounding as he may think proper, by advertisement in any newspaper or otherwise; but no judgment preferring any party to the fund or subject *in medio* shall be pronounced at the first calling of the cause, or until due intimation has been given, such as may appear satisfactory to the sheriff, in order that all parties may have an opportunity of lodging their claims on the fund or subject *in medio*, and such claims shall be prepared agreeably to the form in Schedule (E.); and the sheriff shall hear, try, and determine the cause as nearly as may be in the summary form provided by this Act.

xi. That where any defender intends to plead any counter account or claim against the debt, demand, or penalty pursued for, the defender shall serve a copy of such counter account or claim by an officer on the pursuer, in the form set forth in Schedule (A.) hereunto annexed, or to the like effect, at least one free day before the day of appearance, otherwise the same shall not be heard or allowed to be pleaded, except with the pursuer's consent, but action shall be reserved for the same.

xii. That every officer to whom any warrant as aforesaid for citing witnesses and havers shall be intrusted shall cite such witnesses or havers as any party shall require; and all such warrants shall have the same force and effect in any other county as in the county where they are originally issued, the same being first presented to and indorsed by the sheriff clerk of such other county, who is hereby required to indorse the same on payment of the fee hereinafter mentioned; and if any witness or haver, duly cited on a citation of at least forty-eight hours shall fail to appear, he shall forfeit and pay a penalty not exceeding 40s., unless a reasonable excuse be offered and sustained; and every such penalty shall be paid to the party citing the witness or haver, and shall be recovered in the same manner as other penalties under this Act, without prejudice always to letters of second diligence for compelling witnesses and havers to attend, as at present competent; and it shall be competent to the sheriff of any county where a witness or haver resides who has failed to comply with the citations originally issued to grant letters of second diligence for compelling the attendance of such witnesses or havers, and it shall be no objection to any witness that such witness has appeared without citation or without having been regularly cited.

xiii. That when the parties shall appear the sheriff shall hear them *viâ voce*, and examine witnesses or havers upon oath, and may also examine the parties, and may put them or any of them upon oath, in case of oath in supplement being required or of a reference being made, and if he should see cause may remit to persons of skill to report, or to any person competent to take and report in writing the evidence of witnesses or havers who may be unable to attend upon special cause shewn, and such cause shall in all cases be entered in the book of causes kept by the sheriff clerk, due notice of the examination being given to both parties, and thereupon the sheriff may pronounce judgment; and the decree, stating the amount of the expenses (if any) found due to any party, (which may include personal charges, if the sheriff think fit,) and containing warrant for arrestment, and for pointing and imprisonment when competent, shall be annexed to the summons or complaint, and on the same paper with it, agreeably to the form in Schedule (A.) annexed to this Act, or to the like effect; which decree and warrant, being signed by the clerk, shall be a sufficient authority for instant arrestment, and also for pointing and sale and imprisonment, where competent, after the elapse of ten free days from the date of the decree, if the party against whom it shall have been given was personally present when it was pronounced, but if he was not so present pointing and sale and imprisonment shall only proceed after a charge of ten free days, by serving a copy of the complaint and decree on the party personally or at his dwelling place; and if any decree shall not be enforced by pointing or imprisonment within a year from the date thereof, or from a charge for payment given thereon, such decree shall not be enforced without a new charge duly given as aforesaid.

xiv. That no procurators, solicitors, nor any persons practising the law shall be allowed to appear or plead for any party without leave of the Court upon special cause shewn, and such leave and the cause thereof shall in all cases be entered in the book of causes kept by the sheriff clerk; nor shall any of the pleadings be reduced to writing or be entered upon any record, unless with leave of the Court first had and obtained, in consequence of any difficulty in point of law or special circumstances of any particular case: Provided always, that when the sheriff shall order any such pleadings to be reduced to writing every case in which such order shall be made shall thenceforth be conducted according to the ordinary forms and proceedings in civil causes and in prosecutions for statutory penalties, and shall be disposed of in all respects as if this Act had not been passed.

xv. That any defender who has been duly cited failing to appear personally or by one of his family, or by such person as the sheriff shall allow, such person not being an officer of court, shall be held confessed, and the other party shall obtain decree against him; and in like manner if the pursuer or prosecutor shall fail to appear personally or by one of his family, or by such person as the sheriff shall allow, such person not being an officer of court, the defender shall obtain decree of absolvitor, unless in either case a sufficient excuse for delay shall be stated, on which account, or on account of the absence of witnesses, or any other good reason, it shall at all times be competent for the sheriff to adjourn any case to the next or any other court day, and to ordain the parties and witnesses then to attend.

xvi. That where a decree has been pronounced in absence of a defender it shall be competent for him, upon consigning the expenses decreed for, and the further sum of 10s. to meet further expenses, in the hands of the clerk, at any time before a charge is given, or in the event of a charge being given before implement of the decree has followed thereon, provided in the latter case the period from the date of the charge does not exceed three months, to obtain from the clerk a warrant signed by him sitting execution till the next court day or to any subsequent court day to which the same may be adjourned and continuing authority for citing the other party, and witnesses and havers for both parties; and the clerk shall be bound to certify to

the sheriff on the next court day every such application for hearing and assent granted; and such warrant, being duly served upon the other party personally or at his dwelling place in the manner provided in other cases by this Act, shall be an authority for hearing the cause; and in like manner, where absolver has passed in absence of the pursuer or prosecutor, it shall be competent for him, at any time within one calendar month thereafter, upon consigning in the hands of the clerk the sum awarded by the sheriff in his decree of absolver as the expenses for the defender and his witnesses, with the further sum of five shillings to meet further expenses, to obtain a warrant, signed by the clerk, for citing the defender and witnesses for both parties, which warrant, being duly served upon the defender in the manner provided in other cases by this Act, shall be an authority for hearing the cause as hereby provided in the case of a hearing at the instance of the defender, the said sum of expenses awarded by the sheriff and consigned as aforesaid being in every case paid over to the other party, unless the contrary shall be specially ordered by the Court; and all such warrants for hearing shall be in force, and may be served by any sheriff officer in any county, without indorsement or other authority than this Act.

XVII. That the sheriff clerk shall keep a book, wherein shall be entered all causes conducted under the authority of this Act, setting forth the names and designations of the parties, and whether present or absent at the calling of the cause, the nature and amount of the claim and date of giving it in, the mode of citation, the leave and cause of procurator's appearance, the several deliverances or interlocutors, and the final decree, with the date thereof, which book shall be signed each court day by the sheriff; and the said entries by the clerk shall be according to the form in Schedule (F.) annexed to this Act, or with such addition as the sheriff shall appoint; and the sheriff clerk shall also keep a book or books containing a register or registers of all indorsements of decrees and warrants issued in other counties, and of all warrants for arrestment on the dependence, and of all lossings of arrestment, and of all reports of poindings or sequestrations and sales of goods and effects, which registers shall be open and patent at office hours to all concerned, without fee; and the sheriff clerk shall cause a copy of the roll of causes to be tried on each court day to be exhibited to the public on a patent part of the court house at least one hour before the time of meeting of such Court, and which shall continue there during the time the Court shall be sitting; and the sheriff clerk or an officer of court shall audibly call the causes in such roll in their order.

XVIII. That the sheriff may, if he think proper, direct the sum or sums found due to be paid by instalments, weekly, monthly, or quarterly, according to the circumstances of the party found liable, and under such conditions or qualifications as he shall think fit to annex.

XIX. That any decree obtained under this Act may be enforced where competent against the person or effects of any party in any other county as well as in the county where the decree is issued: Provided always, that such decree or an extract thereof shall be first produced to and indorsed by the sheriff clerk of such other county, who is hereby required to make such indorsement on payment of the fee hereinafter mentioned.

XX. That the sequestration or poinding and sale shall be carried into effect by the officer in a summary way, by getting the effects sequestrated or poinded duly appraised by two persons, who may also be witnesses to the sequestration or poinding, and leaving an inventory or list thereof for the party whose effects are sequestrated or poinded, and not sooner than forty-eight hours thereafter carrying such effects to the nearest town or village, or, in case the sequestration or poinding shall take place in a town or village, to the cross or most public place thereof, and selling the same to the highest bidder by public roup between the hours of eleven forenoon and three afternoon at the cross or such most public place, on previous notice of at least two hours by the crier, but reserving to the sheriff, by such general regulation or special order in any particular case as he shall think fit, to appoint a different hour or place for the sale or a longer or different kind of notice to be given of the time of selling; and in sequestrations and poindings the overplus of the price, if there shall be any, after payment of the sums decerned for, and the expenses, if expenses are awarded, including what is allowed by this Act for sequestration or poinding and sale shall be returned to the owner, or consigned with the sheriff clerk if the owner cannot be found; or if the effects are not sold the same shall be delivered over at the appraised value to the creditor to the amount of the sum decerned for and expenses, if awarded, and the allowances for sequestration or poinding and sale; and a report of the proceedings in the sequestration or poinding and sale and proceeds, or of the delivery of the effects, shall in every case be made by the officer to the sheriff clerk within eight days thereafter, agreeably to the form in Schedule (G.) annexed to this Act, or to the like effect; and where the sheriff shall order a sale of goods or effects arrested, the same course of proceeding shall be adopted as is above directed in the case of poinding and sale; and no officer to whom the enforcement of decrees or warrants in cases falling under this Act may be committed shall be liable to any penalty, fine, or punishment for selling goods or effects under authority of such decrees or warrants by public auction, although such officer may not be licensed as an auctioneer, anything in any Act or Acts to the contrary notwithstanding; and if any person shall secrete or carry off or intrude with any poinded or sequestrated effects in fraudem of the poinding creditors or of the landlord's hypothec, such person shall be liable to summary punishment by fine or imprisonment, as for contempt of court, either at the instance of the private party, with or without the concurrence of the procurator fiscal, or at the instance of the procurator fiscal, or *ex proprio motu* of the sheriff, besides being liable otherwise as accords of law.

XXI. That in all charges and arrestments, and executions of charges and arrestments, under this Act, one witness shall be sufficient, any law or practice to the contrary heretofore notwithstanding.

XXII. That all actions of damages for compensation for loss or injury by the act or acts of any unlawful, riotous, or tumultuous assembly in Scotland, or of any person engaged in or making part thereof, authorized to be brought by an Act, 3 Geo. 4. c. 33, where the sum concluded for does not exceed 8l. 6s. 8d. sterling, as also all actions for recovery of assessments by virtue of an Act, 9 Geo. 4. c. 39, intituled, 'An Act for the Preservation of the Salmon Fisheries in Scotland,' may be heard and determined in a summary way provided by this Act, and this notwithstanding the amount of such assessments shall exceed 8l. 6s. 8d. sterling.

And after reciting that by an Act, 20 Geo. 2, for taking away and abolishing the heritable jurisdictions in Scotland, it is provided that sheriffs may hold Itinerant Courts at such times and places within their respective jurisdictions as they shall

judge expedient, or as shall be directed or ordered by His Majesty, his heirs and successors; and by the said recited Act, 10 Geo. 4, provision is made for the necessary accommodation for holding courts for the purposes of the said Act which the sheriff should judge it expedient to hold at other than the usual places for holding the same: and that it is expedient to make better provision for holding Itinerant or Circuit Courts for the purposes of this Act;—

It is Enacted,

XXIII. That the several sheriffs of the several sheriffdoms in Scotland shall, in addition to their ordinary Small Debt Courts, by themselves or their substitutes, hold Circuit Courts for the purposes of this Act at such of the places within each sheriffdom set forth in the Schedule (H.) annexed to this Act, and for such number of times within each place in each year, not exceeding the number of times mentioned in the said Schedule (H.), as shall be directed by warrant under Her Majesty's sign manual, and to be published in the *London Gazette*, at such times as they shall deem best and most convenient to fix for the general business of the county, if there shall be any cause at such places at such times to try, but as nearly as may be at equal intervals between each court, except as hereinafter provided, and shall remain at each such place until the causes ready to be heard shall be disposed of; and each sheriff clerk, or a deputy appointed by him, is hereby required to attend at such places and times within his sheriffdom, and to find the necessary accommodation for holding all such Courts, on his own charges and expenses in respect of the fees allowed by this Act: Provided always, that no sheriff clerk shall acquire a vested right to any increased amount of fees or emoluments to be drawn under this Act, or shall be entitled to compensation in consequence of being deprived of such increased amount of fees or emoluments or of any future regulation thereof by any Act to be hereafter passed.

XXIV. That the several sheriffs of the several sheriffdoms, with the consent and approbation of one of Her Majesty's principal Secretaries of State, may from time to time change the places or number of times at which such Circuit Courts shall be directed to be held as aforesaid, or discontinue the same or any of them in any sheriffdom in which such Circuit Courts or any of them may be found unnecessary or inexpedient, or direct any two of such Courts held in islands or other places where it may be deemed expedient to be held at short intervals from each other, or direct Circuit Courts to be held at such places in any sheriffdom although not mentioned in the said Schedule (H.) or in such additional places in counties mentioned in the said Schedule, as may seem necessary and proper; and all such additional Circuit Courts shall be held in terms of the provisions and directions of this Act.

XXV. That the sheriff clerk of each sheriffdom shall attend personally or appoint a deputy to act at each of the places at which Courts may be directed to be held in terms of this Act, and such deputy shall in the absence of the principal clerk attend at and during the holding of such Circuit Courts, and shall thereat perform all the duties by this Act required to be performed by the sheriff clerk; and if such deputy shall not be resident in such place the sheriff clerk may also appoint a proper person resident in such place or in its immediate vicinity to issue the summonses or complaints which may be applied for and issued under the provisions of this Act, and the principal clerk shall give or cause to be given due intimation of the name, description, and residence of each person so appointed deputy clerk, and of the person appointed to issue summonses and complaints as aforesaid, by notice in the form set forth in Schedule (L.) hereunto annexed, and which notice, being signed by the sheriff clerk, shall, without being stamped, be a sufficient commission to such sheriff clerk deputy, and such notice or a copy thereof shall be affixed on or near the doors of the church of the parish within which such Court is to be held, and also, if he shall see cause, by advertisement in the newspaper or newspapers of the greatest reputed circulation in the neighbourhood, and notice shall in like manner be given by the sheriff clerk, in the form of Schedule (K.) hereunto annexed, of the times at which such Circuit Courts shall be fixed to be held: Provided always, that no person who shall act as deputy clerk for the purposes of this Act, and for no other purposes, shall be thereby disqualified from acting as a procurator before any Court, except the Small Debt Court in which he shall act as aforesaid, or from being registered or from voting under any Act or Acts of Parliament relative to the election of members of Parliament or of Magistrates of Burghs.

XXVI. That each sheriff shall, three months before holding any Circuit Court in terms of this Act, by a minute entered in the sederunt book of his court and published in such manner as he may think proper, and of which a printed copy shall be publicly affixed at all times on the walls of every sheriff court room within his sheriffdom, apportion the parishes or parts of parishes which shall for the purposes of this Act be within the jurisdiction of any Small Debt Court to be held within his sheriffdom as aforesaid, and thereafter from time to time alter such apportionment as the circumstances may require, and such alteration shall be published as aforesaid for at least three months before the same shall take effect, and all causes shall be brought before the ordinary Small Debt Court or any Circuit Small Debt Court within the jurisdiction of which the defender shall reside or to the jurisdiction of which he shall be amenable: Provided always, that if there shall be more defenders than one in one cause of action who shall be amenable to the jurisdiction of different Courts, or if from any other cause the sheriff shall be satisfied that such course shall be expedient for the ends of justice, it shall be competent to the sheriff, upon summary application in writing made by or for any pursuer lodged with the sheriff clerk, or upon verbal application made by or for any pursuer in open court, to order a summons or complaint to be issued, and the cause to be brought before his ordinary Small Debt Court or before any of his Circuit Small Debt Courts, as shall appear most convenient; and such summons or complaint shall be issued accordingly on the sheriff writing and subscribing thereon the name of the Court before which the same is to be heard.

XXVII. That the sheriff may, where the ends of justice and the convenience of the parties require it, adjourn and remove the further hearing of or procedure in any sequestration, multiplepoinding, or any other cause from his ordinary Small Debt Court to any of his Circuit Small Debt Courts, and from any of his Circuit Small Debt Courts to his ordinary or any other Circuit Small Debt Court, or to any diet of his ordinary Court, to be there dealt with according to the provisions of this Act, or to any other time or place specially appointed for the purpose; and such order of adjournment and removal shall be held due notice to the parties of such adjournment and removal being made, unless further notice shall be ordered.

And after reciting that in the upper district of Morayshire which borders on the river Spey there is no place in which Circuit Courts can be conveniently held, but such Courts could be conveniently held in the village of Grantown, situated in a detached part of the county of Inverness, in the immediate vicinity of the said district of Morayshire:—

It is Enacted,

XXVIII. That in case it shall be directed by one of Her Majesty's principal Secretaries of State that a Circuit Court should be established in terms of this Act for the upper district of Morayshire, it shall be competent to the sheriff of Morayshire or his substitutes to grant warrants and to hold Courts for the trial of all causes competent under this Act, and to pronounce judgment therein, within the said village of Grantown, in the same way and to the same effect in all respects as if such Courts were held and warrants were granted and judgments pronounced within the said county of Moray; and it shall also be competent to the sheriff clerk and officers of Morayshire to issue summonses and perform other duties authorized by this Act within the village of Grantown in like manner as within the county of Moray.

XXIX. That an account of the travelling and other charges incurred by the sheriff and sheriff clerks in going to, living at, and returning from the places where such Circuit Courts shall be held as aforesaid shall be rendered annually in Exchequer with the other charges of the sheriffs, and such accounts being there audited shall be allowed to an amount for the sheriff not exceeding 5*l.*, and for the sheriff clerk not exceeding 1*l.* 10*s.* for each Court, and paid out of the public revenue of Scotland as the charges of the sheriffs are in use to be paid.

XXX. That no decree given by any sheriff in any cause or prosecution decided under the authority of this Act shall be subject to reduction, advocacy, suspension, or appeal, or any other form of review or stay of execution, other than provided by this Act, either on account of any omission or irregularity or informality in the citation or proceedings, or on the merits, or on any ground or reason whatever.

XXXI. That it shall be competent to any person conceiving himself aggrieved by any decree given by any sheriff in any cause or prosecution raised under the authority of this Act to bring the case by appeal before the next Circuit Court of Justiciary, or, where there are no Circuit Courts, before the High Court of Justiciary at Edinburgh, in the manner, and by and under the rules, limitations, conditions, and restrictions contained in the before-recited Act, 20 Geo. 2, for taking away and abolishing the heritable jurisdictions in Scotland, except in so far as altered by this Act: Provided always, that such appeal shall be competent only when founded on the ground of corruption or malice and oppression on the part of the sheriff, or on such deviations in point of form from the statutory enactments as the Court shall think took place wilfully, or have prevented substantial justice from having been done, or on incompetency, including defect of jurisdiction of the sheriff; provided also, that such appeals shall be heard and determined in open court, and that it shall be competent to the Court to correct such deviation in point of form, or to remit the cause to the sheriff with instructions or for re-hearing generally, and it shall not be competent to produce or found upon any document as evidence on the merits of the original cause which was not produced to the sheriff when the case is heard, and to which his signature or initials have not been then affixed, which he is only to do if required, nor to found upon nor refer to the testimony of any witness not examined before the sheriff, and whose name is not written by him when the case is heard upon the record copy of the summons, which he is to do when specially required to that effect: Provided further, that no sist or stay of the process and decree and no certificate of appeal shall be issued by the sheriff clerk, except upon consignation of the whole sum, if any, decreed for by the decree and expenses, if any, and security found for the whole expenses which may be incurred and found due under the appeal.

XXXII. That the following and no other or higher fees or dues of consignation shall be allowed to be taken for any matters done in any cause or prosecution raised under the authority of this Act:

Clerk's Fees in Causes under this Act.

Summons, including precept of arrestment, one shilling:

Each copy for service, sixpence.

Entering in procedure book, sixpence:

Renewed warrant to arrest on dependance, and entering in book, one shilling:

Certificate loosing arrestment, one shilling:

Bond of caution, one shilling and sixpence:

Second diligence for compelling witnesses or havers to attend, one shilling:

Decrees, including extract, if demanded, one shilling:

Hearing after decree in absence, one shilling and sixpence:

Indorsement of decree or warrant, and entering in book, one shilling:

Receiving report of sequestration and appraisement, and entering in book, one shilling:

Receiving report of sale under sequestration, and entering, one shilling:

Receiving report of poinding and sale, and entering, one shilling and sixpence.

Officer's Fees, including Assistants.

Citation of a party or intimation of counter claim, and execution of citation given personally, one shilling:

Ditto, ditto, if citation not given personally, sixpence:

Citation of a witness or haver, sixpence:

Charging on decree, and returning execution of charge, one shilling:

Arrestment, and returning execution thereof, sixpence:

Intimation of loosing arrestment, and execution thereof, sixpence:

Poinding or sequestration and inventory, two shillings and sixpence:

Sale and report, two shillings and sixpence:

Assistants, each per mile, in the same manner fourpence.

For calling each cause, one penny, payable when summons is issued.

xxxviii. That this Act may be repealed, altered, or amended by any Act or Acts to be passed during the present session of Parliament.

A. B., Sheriff of the Shire of **to** **Officers of Court, jointly and severally.**

J. P. Sheriff Clerk.

No. 2.

Citation for Defender.

E. F., Defender, above designed, you are hereby summoned to appear and answer before the Sheriff in the Matter, and at the Time and Place, and under the Certification set forth in the above Copy of the Summons or Complaint against you.

This Notice, served upon the _____ Day of _____ by me, J. T. Sheriff's Officer.

No. 3.

Execution of Citation of Defender.

UPON the _____ Day of _____ One thousand eight hundred and _____ I duly summoned the above-designed E. F. Defender, to appear and answer before the Sheriff in the Matter, and at the Time and Place, and under the Certification above set forth. This I did by leaving a full Copy of the above Summons or Complaint, with a Citation thereto annexed,* for the said Defender [in his Hands personally, or otherwise as the Case may be]. J. T. Sheriff's Officer.

* If there is an Account mentioned in the Complaint the Officer must serve a Copy of it along with a Copy of the Summons or Complaint.

No. 4.

Execution of Notice of counter Claim by Defender against Pursuer.

UPON the _____ Day of _____ I gave Notice to C.D., Pursuer, of the above counter Account [or Claim] intended to be pleaded against him by E.F., Defender in the Small Debt Action to which the said Defender was summoned to appear before the Sheriff at _____ upon the _____ Day of _____ at _____ of the Clock. This I did by leaving a copy of the above Account [or Notice of Claim, shortly explaining it,] for the said Pursuer [in his Hands personally, or otherwise, as the Case may be]. J. T. Sheriff Officer.

No. 5.

Citation for Witnesses.

M.N. [design him], you are hereby summoned to appear before the Sheriff of the Shire of _____ or his Substitute, in the Court House at _____ upon the Day of _____ One thousand eight hundred and _____ at _____ of the Clock, to bear Witness for the [Pursuer or Defender, as the Case may be,] in the Summons or Complaint at the Instance of C.D. [design him], against E.F. [design him], and that under the Penalty of Forty Shillings if you fail to attend. This Notice served on the _____ Day of _____ by me, J. T. Sheriff Officer.

No. 6.

Execution of Citation of Witnesses.

UPON the _____ Day of _____ One thousand eight hundred and _____ I duly summoned M.N., &c. [design them], to appear before the Sheriff of the Shire of _____ or his Substitute, in the Court House at _____ upon the _____ Day of _____ One thousand eight hundred and _____ at _____ of the Clock, to bear Witness for the _____ in the Summons or Complaint at the Instance of C.D. [design him] against E.F. [design him]. This I did by delivering a just Copy of Citation, signed by me, to the said M.N. [personally, or otherwise, as the Case may be]. J. T. Sheriff Officer.

No. 7.

Decree for Pursuer in a Civil Cause.

AT _____ the _____ Day of _____ One thousand eight hundred and _____ the Sheriff of the Shire of _____ finds the within-designed _____ Defender, liable to the Pursuer in the Sum of _____ with _____ of Expenses, and decerns and ordains instant Execution by Arrestment, and also Execution to pass hereon by Pounding and Sale and Imprisonment, if the same be competent, after _____ free Days. J. P. Sheriff Clerk.

No. 8.

Summons of Complaint for Statutory Penalty.

A.B. Sheriff of the Shire of _____ to _____ Officers of Court, jointly and severally. WHEREAS it is humbly complained to me by C.D., Procurator Fiscal of Court, [or, where a private Party only,] G.H. [designation], [or where a private Party prosecutes with the Concurrence of the Procurator Fiscal,] G.H., with Concurrence of C.D. Procurator Fiscal of Court, that E.F. [Designation], Defender, has incurred the Penalty of _____ imposed by the Act of Parliament [mention the Act], the said Defender having [state the Offence, specifying Time and Place];

therefore the said Defender ought to be decerned and ordained to make Payment of the said Penalty, with Expenses [*state to whom and in what Proportions payable, and the Term of Imprisonment where the same is the Mode of Recovery*]: Herefore it is my Will, that on sight hereof ye lawfully summon the said Defender to compare before me or my Substitute in the Court House at upon the Day of at of the Clock, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; and that ye cite Witnesses and Havers for both Parties to compare at the same Place and Date to give Evidence in the said Matter. Given under the Hand of the Clerk of Court at the Day of

Concurs C.D., Procurator Fiscal.

J. P. Sheriff Clerk.

[For Citation for Defender and Execution thereof, and Citation for Witnesses and Execution thereof, see Nos. 2, 3, 4, and 5 respectively.]

No. 9.

Decree for Prosecutor in Prosecution for Penalty.

At the Day of One thousand eight hundred and the Sheriff of the Shire of finds that the within-designed E.F., Defender, has incurred the Penalty of as libelled, payable to [If there is a Power to mitigate, and Mitigation, add, "which is hereby mitigated to the sum of "], and also finds the said Defender liable in of Expenses to the Complainer, and decerns and ordains instant Execution by Arrestment, and also Execution by Poinding and Sale and Imprisonment, if the same be competent [*stating the Term of Imprisonment, where it is fixed*], after free Days. J. P. Sheriff Clerk.

No. 10.

Decree of Absolvitor, with Expenses.

[The following will answer either for Civil Causes or Prosecutions for Penalties.]

At the Day of One thousand eight hundred and the Sheriff of the Shire of assoilzies the within-designed E.F., Defender, from the within Complaint, and finds the within-designed C.D., Pursuer, liable to him in the Sum of of Expenses, and decerns and ordains instant Execution by Arrestment, and also Execution to pass hereon by Poinding and Sale after free Days.* J. P. Sheriff Clerk.

* Where the Pursuer does not return the original Summons the above Decree may be written on the Copy served on the Defender.

No. 11.

Charge on Decree.

E.F., above designed, you are hereby charged to implement the Decree of which, and of the Complaint whereon the same proceeded, the above is a Copy, within Days from this Date, under pain of Poinding and Sale without further Notice. This Charge given by me, on the Day of before O. P. [*design him*]. J. T. Sheriff Officer.

No. 12.

Execution of Charge.

[To be on the same Paper with the Complaint and Decree.]

On the Day of One thousand eight hundred and I duly charged E.F., above designed, to implement the above Decree within the Time and under the Pains therein expressed. This I did by delivering a just Copy of the foregoing Complaint and Decree, and a Charge thereto annexed subscribed by me, to the said E.F. [*personally, or as the Case may be*], before O.P. [*design him*]. Witness hereto, with me subscribing. O.P. Witness. J. T. Sheriff Officer.

SCHEDULE (B.)

Summons of Sequestration and Sale at the Instance of a Landlord.

A.B. Sheriff of the Shire of to Officers of Court, jointly and severally. WHEREAS it is humbly complained to me by C. D., Pursuer, [*design him*], that E.F., Defender, [*design him*], is owing to the Pursuer the Sum of , being the Rent for [*describe the Premises*], possessed by him, from to [If any partial Payments have been made let them be here stated], and which Rent [*or Balance of Rent, as the Case may be*], the said Defender refuses or delays to pay; therefore Warrant ought forthwith to be granted to inventory, appraise, sequester, and, if need be, secure the Goods and Effects upon or within the said Premises, and Decree ought to be pronounced decerning

the Defender to make Payment of the said Rent [or Balance of Rent, *as the Case may be*,] to the Pursuer, with Expenses, and Warrant ought also to be granted to sell the Goods and Effects sequestrated in Payment of the said Rent, [or Balance of Rent, *as the Case may be*,] and Expenses: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Defender to compare before me or my Substitute, within the Court House of _____ upon the _____ Day of _____ at _____ of the Clock, to answer at the Pursuer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed, and Decree and Warrant pronounced as craved: And my Will further is, that ye forthwith inventory, sequestrate, and, if need be, secure the Goods and Effects upon or within the said Premises until the further Orders of Court, or until the said Defender shall make Payment to the Pursuer of the Amount of the Rents pursued for, with the Expenses, or shall consign in the Hands of the Clerk of Court the Amount of the Rents pursued for, with Two Pounds Sterling to cover Expenses: and that ye cite Witnesses and Havers for both Parties to compare at the said Place and Date, to give Evidence in the said Matter. Given under the Hand of the Clerk of Court at _____ the _____ Day of _____ J. P. Sheriff Clerk.

[After hearing the Cause the Decree and Procedure in the Sequestration and Sale will be similar to the Forms in ordinary Causes, the Words "Sequestration" and "sequestrated" being introduced when necessary instead of "Pounding" and "pounded".]

SCHEDULE (C.)

Arrestment on the Dependence of an Action.

By virtue of a Warrant of the Sheriff of the Shire of _____ given under the Hand of the Clerk of Court at _____ on the _____ Day of _____ for Arrestment on the Dependence of an Action raised before the said Sheriff at the Instance of C. D. [design him] Complainer, against E.F. [design him], Defender, I hereby fence and arrest in the Hands of you K.L. [design him], all Sums of Money owing by you to the said Defender or to any other Person for his Use and Behoof, and all Goods and Effects in your Custody belonging to the said Defender [or, in the Case of Ships or maritime Subjects, say, I hereby fence and arrest the Ship M. of N. presently lying in the Harbour of O., with her Boats, Furniture, and Apparelling, or other maritime Subjects], and that to an Amount or Extent not exceeding the Value of Eight Pounds Six Shillings and Eight-pence Sterling, all to remain under sure Fence and Arrestment, at the Complainer's Instance, until due Consignation be made or until sufficient Caution be found as accords of Law. This I do on the _____ Day of _____ before O.P. [design him], by Delivery of a Copy of this Execution to you [personally, or as the Case may be]. J. T. Sheriff Officer.

Execution of Arrestment on the Dependence of an Action.

[To be on the same Paper with the Summons or other Warrant of Arrestment.]

Upon the _____ Day of _____ One thousand eight hundred and _____, betwixt the Hours of _____ and _____, by virtue of the foregoing Warrant of Arrestment, I lawfully fenced and arrested in the Hands of K.L. [design him] all Sums of Money owing by him to the foresaid E.F., Defender, or to any other Person for his Use and Behoof, and all Goods and Effects in the Custody of the said Arrestee belonging to the said Defender. [or, in Case of Ships or maritime Subjects, as before.] and that to an Amount or Extent not exceeding the Value of Eight Pounds Six Shillings and Eight-pence Sterling, all to remain under sure Fence and Arrestment, at the foresaid Complainer's Instance, until due Consignation be made or until sufficient Caution be found as accords of Law. This I did by delivering a just Copy of Arrestment, subscribed by me, to the said Arrestee personally [or as the Case may be], before O.P. [design him], hereto with me subscribing. O.P. Witness. J. T. Sheriff Officer.

Bond or Enactment of Caution for loosing Arrestment.

At _____ on _____ Day of _____ One thousand eight hundred and _____ appeared G.H. [design him], who hereby judicially binds himself, his Heirs, Executors, and Successors, as Cautioners acted in the Sheriff Court Books of the Shire of _____ for E.F. [design him], common Debtor, against whom Arrestment was used at the Instance of C.D. [design him], in the Hands of K.L. [design him], on the _____ Day of _____ in virtue of [describe the Warrant], dated the _____ Day of _____, that the Sums of Money, Goods, and Effects owing or belonging to the said common Debtor, arrested as aforesaid, shall be made forthcoming as Accords of Law. G.H.

Certificate for loosing Arrestment used on the Dependence of an Action.

WHEREAS Arrestment was used on the Dependence of an Action at the Instance of C.D. [design him], against E.F. [design him], in the Hands of K.L. [design him, or as the Case may be], on the _____ Day of _____, by virtue of a Warrant of the Sheriff of the Shire of _____ given under the Hand of the Clerk of Court at _____ the _____ Day of _____: And whereas the said E.F. has now made sufficient Consignation in the Hands of the Sheriff Clerk of _____ [or, if Caution has been found, say] has found sufficient Caution acted in the Sheriff Court Books of _____ by G.H. [design him], his Cautioner, [here state the Nature of the Caution.] in order to the loosing of the said Arrestment, Warrant for loosing the said Arrestment is hereby granted accordingly. Given under the Hand of the Clerk of Court at _____ the _____ Day of _____ J. P. Sheriff Clerk.

*Intimation of loosing Arrestment.**[To be on the same Paper with a Copy of the foregoing Warrant.]*

K. L. [design him], take notice, That by virtue of the Warrant whereof the above is a Copy of the Arrestment on the Dependence of the Action above mentioned, used in your Hands at the Instance of the foresaid C. D. against the foresaid E. F., is loosed and taken off. This Notice served on the Day of by me. J. T. Sheriff Officer.

*Execution of Intimation of loosing Arrestment.**[To be on the same Paper with the original Warrant for loosing the Arrestment.]*

UPON the Day of One thousand eight hundred and I duly intimated the above Warrant to K. L. [design him], Arrestee. This I did by leaving a full Copy thereof and Intimation thereon, subscribed by me, for him [in his Hands personally, or as the Case may be]. J. T. Sheriff Officer.

SCHEDULE (D.)

Summons of Complaint in cases of Forthcoming.

A. B. Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly complained to me by C. D. [Designation], upon and against K. L. [Designation], Arrestee, and E. F. [Designation], common Debtor, that the said common Debtor is owing the Complainer the Sum of contained in [describe shortly the Decree, or Bill, or Bond, et cetera, by which the Debt is constituted], and that the Complainer on the Day of Years, in virtue of a Warrant by dated the Day of arrested in the Hands of the Arrestee [here insert the Terms of the Arrestment used], which ought to be made forthcoming to the Complainer: Therefore the said Arrestee, and the said common Debtor for his Interest, ought to be decerned and ordained to make forthcoming, pay, and deliver to the Complainer the Money, Goods, and Effects arrested as aforesaid, or so much thereof as will satisfy and pay the said Sum of owing to the Complainer as aforesaid: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Arrestee, and the said common Debtor for his Interest, to compare before me or my Substitute in the Court House at upon the Day of Years, at of the Clock, to answer at the Complainer's Instance in the said Matter, with Certification in case of Failure of being held as confessed; and that ye cite Witnesses and Havers for both Parties to compare at the said Place and Date to give Evidence in the said Matter. Given under the Hand of the Clerk of Court at the Day of Years.

J. P. Sheriff Clerk.

*[The Citations and Executions, and Decree for the Defender, with Expenses, may be the same as in Schedule (A.)]**Decree for the Pursuer in Cases of Forthcoming.*

Ar the Day of One thousand eight hundred and the Sheriff for the Shire of decerns and ordains the within-designed Arrestee, to make forthcoming, pay, and deliver to the also within-designed Pursuer [if the Arrestee has Money arrested in his Hands the rest of the Judgment will be the same as in ordinary Cases; if there are Goods and Effects to be made forthcoming the rest of the Judgment will be as follows:] the arrested Goods and Effects following; videlicet, and grants Warrant to sell the same, or as much thereof as will satisfy the Sum of and of Expenses of Process and the Expense of Sale; and failing the said Arrestee making forthcoming and delivering the said Goods and Effects within then to make Payment to the said Pursuer of the said Sum of for Recovery of which Sums, the said Period being elapsed without forthcoming and Delivery of the said Goods and Effects, ordains instant Execution by Arrestment, and also Execution to pass hereon by Pounding and Sale and Imprisonment, if the same be competent, after free Days.

J. P. Sheriff Clerk.

SCHEDULE (E.)

Summons of Multiplepoinding.

A. B. Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly shewn to me by A. B., Pursuer, [design him,] that he is Holder of [here state the Fund or Subject in medio, and if necessary refer to the Account thereof produced], belonging to E. F., common Debtor, [design him,] which Fund the Pursuer is ready to pay [or deliver] to the said common Debtor, or to whomsoever shall be found to have best Right thereto, but he is distressed by Claims being made thereon by the Persons following, videlicet, [here state the Names and Designations of all the Claimants, so far as known to the Holder or Raiser of the Action]; wherefore the said Pursuer ought to be found liable only in once and single Payment [or Delivery] of the said Fund or Subject to whomsoever of the said Parties or others interested shall be found by me to have best Right thereto [or in the meantime Consignation ought to be ordered of the Fund or Subject or Sale of the Subject in medio], deducting the Pursuer's Expenses, and Decree ought to be pronounced accordingly, and all other Parties ought to be prohibited from molesting the Pursuer thereanent in all Time coming: Herefore it is my Will, that on Sight hereof ye lawfully summon the said common Debtor and the said Claimants [and in case of the Action being raised by a Claimant in Name of the Holder, it will be necessary also to summon the nominal Pursuer,] to compare before me or my Substitute in the Court House of upon the Day of at of the Clock, to attend

to their several Interests in the said Matter, with Certification in case of Failure of being held as confessed; requiring you also to deliver to the said common Debtor a Copy of any Account produced with the Summons, and that he cite Witnesses and Havers for all Parties to compete at the said Place and Date to give Evidence in the said Matter. Given under the Hand of the Clerk of the Court at the Day of . J. P. Sheriff Clerk.

Form of Claim in Multiplepoinding.

I A. B. [design him] hereby claim to be preferred on the Fund in the Multiplepoinding raised in Name of [mention the Reiter], against [mention the Defenders], for [state the Claim] of Principal due to me by [here state generally the Ground of Debt, whether by Bond, Bill, Account, &c., as the Case may be], with Interest from with Expenses. A. B.

Form of Interlocutor of Preference.

PREFERS [here design him], Claimant for [here specify the Sum.]

[To be signed by the Sheriff.]

[The Citations and Procedure to be as nearly as may be in the Forms in other Causes, and Warrant to sell the Subjects forming the Fund in medio to be granted and carried into effect in the ordinary Form.]

SCHEDULE (F.)

| No. | Dates of Complaints. | Pursuers. | Defenders. | Nature and Amount. | How cited. | By what Officer. | Leave and Cause of Procurator's Appearance. | Interlocutors and Decrees. |
|-----|----------------------|-----------|------------|--------------------|------------|------------------|---|----------------------------|
| | | | | | | | | |

N.B.—After the name of each Pursuer and Defender let the letter P. or A. be added, in order to mark whether the Party was present or absent when the Cause was called; and should the Party appear by or with any other Person or a Procurator his or her Name shall be marked as so appearing. Let Expenses be also entered under the Head of "Interlocutors."

SCHEDULE (G.)

Report of Sequestration or Poinding and Sale.

[To be varied according to Circumstances.]

REPORT of the Sequestration or Poinding and Sale at the Instance of C. D. [design him] against E. F. [design him].

| Lots. | EFFECTS. | | | | | | Appraised at | | | Sold at | | |
|-------|----------------------|----|----|----|----|----|--------------|----|----|---------|----|----|
| | | | | | | | £. | s. | d. | £. | s. | d. |
| 1. | An Eight-Day Clock | .. | .. | .. | .. | .. | 4 | 0 | 0 | 4 | 10 | 0 |
| 2. | Six Chairs, at 6s. | .. | .. | .. | .. | .. | 1 | 16 | 0 | 1 | 18 | 0 |
| 3. | One Table | .. | .. | .. | .. | .. | 0 | 8 | 0 | 0 | 8 | 0 |
| 4. | One Chest of Drawers | .. | .. | .. | .. | .. | 1 | 12 | 0 | 1 | 12 | 0 |
| | | | | | | £ | 7 | 16 | 0 | 8 | 8 | 0 |

Upon the Day of One thousand eight hundred and between the Hours of
and by virtue of a Decree of the Sheriff of given under the Hand of the Clerk of Court at
on the Day of at the Instance of *C. D.*, above designed, against *E. F.*, above designed, for Payment
of the Sums of I passed with the Witnesses and Appraisers after named and designed to , and
then and there, after demanding Payment of the Sums contained in the said Decree past due, and Payment not being made, I
pounded the Effects above enumerated belonging to the said Debtor, and after making an Inventory or List thereof, and getting
the same duly appraised on Oath at the several values respectively above specified in the First Column, and amounting in all
to [*here insert the Amount in Words*], and leaving a Copy of such Inventory or List and Appraisement with the said Debtor
personally [*or as the Case may be*], I carried the said Effects to the of [*or as the Case may be*], and there
betwixt the Hours of and and after public Notice of at least Hours, I sold the said
Effects by public Roup to the highest Bidder, at the Prices above specified in the Second Column for each Lot respectively,*
and amounting in all to [*here insert the Amount in Words*]; these Things were so done before and with *O. P.* and *Q. R.* [*design*
them], Witnesses and Appraisers, in the Premises hereto with me subscribing. J. T. Sheriff Officer.

O. P. Witness and Appraiser.

Q. R. Witness and Appraiser.

Reported to the Sheriff Clerk of the Shire of at the Day of by me,
J. T. Sheriff Officer.

* If the Effects are not sold, the Tenor of the Report must be altered according to the State of the Fact; for instance, ["I ex-
posed the said Goods and Effects to public Sale, but no Person having offered the appraised Value, therefore I declared the
same to belong to the said *C. D.* at the said respective appraised Values in Payment to that Amount of the Sums in said
Decree."] In case the Goods pounded, or Part of them, shall sell for more than the Sums in the Decree, and Expenses of Pounding
and Sale, say, ["I sold Part of the said Effects, viz. Lots 1, 2, and 3, by public Roup to the highest Bidder at the Prices
above specified in the Second Column for each of said Lots respectively, and amounting in all to [*here insert the Amount in*
Words]; and I returned to the said Debtor the Sum of being the Overplus of the Price, after Payment of
the Sum decreed for past due, and the Sum of being the Expenses of Pounding and Sale, conform to the Act
of Parliament; and I also returned to the said Debtor the Effects specified in the other Lots above enumerated."]"]

SCHEDULE (H.)

| Counties. | Places at which Circuits are to be held. | Counties. | Places at which Circuits are to be held. |
|-----------------|--|-----------------|--|
| Aberdeen | Inverury | Dumfries | Sanquhar |
| | Tarland | | Annan |
| | Turriff | | Langholm |
| | Peterhead | | Moffat |
| | Huntly | | Lockerbie |
| | Old Deer | Edinburgh | Mid Calder |
| Argyle | Oban | | Dalkeith |
| | Bowmore, Island of } Isley | | Musselburgh |
| | Dunoon | | Stowe |
| Ayr | Lochgilphed | Elgin | Fochabers |
| | Saltcoats | | Grantown |
| | Largs | | Forres |
| | Kilmarnock | Fife | Auchtermuchty |
| | Beith | | Newburgh |
| | Old Cumnock | | St. Andrew's |
| Berwick | Girvan | | Colinsburgh |
| | Maybole | | Kirkcaldy |
| | Lauder | Forfar | Brechin |
| | Dunse | | Montrose |
| Banff | Coldstream | | Arbroath |
| | Ayton | | Kirriemuir |
| | Cullen | Haddington ... | North Berwick |
| Bute | Keith | | Dunbar |
| | Dufftown | | Tranent |
| | Brodick in Arran | Inverness | Kingussie |
| Caithness | Milport | | Fort Augustus |
| | Thurso | | Grantown |
| | Libster | Kincardine | Laurence Kirk |
| Dumbarton | Kirkintullock | | Bervie |
| | Helensburgh | | Durris |

| Counties. | Places at which Circuits are to be held. | Counties. | Places at which Circuits are to be held. |
|-----------------|--|------------------------------|--|
| Kirkcudbright.. | New Galloway Three Times. | Renfrew..... | Lochwinnoch Six Times. |
| | Maxwelltown Four Times. | | Pollokshaws Six Times. |
| | Castle Douglas Four Times. | Ross and Cro- marty | Kircardine..... Two Times. |
| | Creestown..... Three Times. | | Jeantown..... Two Times. |
| Lanark | Biggar..... Four Times. | | Fortrose Four Times. |
| | Ardrie..... Twelve Times. | | Invergordon..... Four Times. |
| | Douglas..... Three Times. | Roxburgh | Melrose..... Four Times. |
| Linlithgow.... | Bathgate..... Four Times. | | Hawick Six Times. |
| | Queensferry Three Times. | | Kelso Six Times. |
| Orkney..... | St. Margaret's Hope.. Three Times. | | Newcastleton..... Three Times. |
| | Stromness Three Times. | Selkirk..... | Galashiels Four Times. |
| | Sanday Three Times. | | Drymen Four Times. |
| Shetland..... | Burravoe..... Two Times. | Stirling..... | Lennox, Town of } Four Times. |
| | Crief Four Times. | | Campaie..... } Four Times. |
| Perth | Callender..... Four Times. | Sutherland | Balfour Four Times. |
| | Kincardine } Four Times. | | Lavig..... Two Times. |
| | (Tulliallan) } Four Times. | | Tongue..... Two Times. |
| | Dunkeld Four Times. | | Port Gower..... Two Times. |
| | Aberfeldy Three Times. | Wigton..... | Stranrear Six Times. |
| | Blair Gowrie..... Four Times. | | Whithorn Four Times. |
| | Cupar Angus..... Four Times. | | Newton Stewart.... Four Times. |

SCHEDULE (I.)

Notice.

A.B. [add Designation], residing _____ is the Depute Sheriff Clerk to whom Application for Summonses and everything else necessary for the Sheriff's Circuit at this Place for Small Debt Causes must be made [or, in case the Depute shall not be resident, say *A.B.* [add Designation and Place of Residence], is the Depute Sheriff Clerk, who will officiate at _____ in the Sheriff's Small Debt Circuit Court, and *C.D.* [add Designation], residing at _____ is the Person who will issue Summonses or Complaints to be brought in such Court.

Date
Place

SCHEDULE (K.)

Notice.

THE Sheriff will hold Circuit Courts for Small Debt Causes at _____ on the _____ Day of _____ at _____ of the Clock, and of every [fix the time periodically, or if not, new Notice to be given.]
A.B. [add Designation and Residence] is the Clerk for this Place.

Date
Place

CAP. XLII.

AN ACT to continue until the Thirty-first Day of December One thousand eight hundred and thirty-eight, and from thence to the End of the then next Session of Parliament, an Act of the Ninth Year of His Majesty King George the Fourth, for the Administration of Justice in *New South Wales* and *Van Dieman's Land*.

(12th July 1837.)

CAP. XLIII.—IRELAND.

AN ACT to amend the Laws for the Recovery of Small Debts by Civil Bill in Ireland.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Power to Assistant Barristers to appoint process servers in addition to those appointed under 7 Geo. 4. c. 36.*
2. *In case of forcible resistance to serving the process, a copy thereof may be posted on the Court House and on the posting place in the nearest market town.*
3. *Repeal of parts of sections 41, 42, 43, and 44 of 6 & 7 Will. 4. c. 75.*
4. *Decrees now unexecuted to be executed by the sheriff.*
5. *Salary of interpreter.*
6. *Assistant Barrister to appoint interpreter or interpreters.*
7. *Assistant Barrister may remove interpreter.*
8. *Definition of "Assistant Barrister."*

By this Act,

After reciting the passing of 7 Geo. 4. c. 36, which enacted, that at the several Sessions of the Peace in and for the several counties in Ireland which should be holden in the month of October next after the passing of the said Act each and every of the Assistant Barristers appointed under the authority of the Act therein recited, or of any Act for amending the same, should in manner therein enacted nominate and appoint such number of fit and proper persons, being householders residing in the principal market towns within the said counties, to be officers for the service of civil bill processes in the said county or division thereof, as should be specified and set forth in any such warrant respectively: And that officers for the service of civil bill processes have been appointed in the several counties in Ireland under the authority of the said Act, but the number thereof has in many counties been found to be insufficient for the effective service of civil bill processes therein, and it has been doubted whether any new appointments can be made under the authority of the said Act of a greater number of such officers at any time after the Sessions of the Peace holden next after the passing of the said Act:—

It is Enacted,

I. That at any Sessions of the Peace in and for the several counties in Ireland or any riding thereof which shall be holden after the passing of this Act, each and every of the Assistant Barristers appointed under the Acts for the recovery of small debts by civil bill in Ireland, or any of them, to be assistants to the Justices at such Sessions, may and shall, by warrant or warrants under the seal of each such Assistant Barrister respectively, nominate and appoint such number of fit and proper persons, qualified as in the said Act, 7 Geo. 4. c. 36, is mentioned, as to the said Assistant Barrister shall from time to time appear to be necessary, to be officers for the service of civil bill processes within such county, or within any riding thereof, or within such division of such county or riding as shall be specified in any such warrant; and such officers shall be in addition to the officers already appointed and acting in such county, riding, or division under the said recited Act, 7 Geo. 4. c. 36, and shall have the same powers, privileges, and emoluments, and observe the several rules and regulations prescribed by the said Act respecting the officers appointed under the authority thereof, and shall be removable in like manner, and their appointment shall be promulgated and made known in the manner directed by the said Act.

II. That in any case when it shall appear to the Assistant Barrister, by examination on oath in open court at any Court of General or Quarter Sessions or any adjournment thereof, that any officer appointed to serve the process of the said Civil Bill Court has been prevented by forcible resistance or by reasonable apprehension of personal injury from effecting good service of any process of the said Court, it shall and may be lawful to and for such Assistant Barrister to direct, by an order to be signed by him, and entered in the book of the clerk of the peace, that posting a copy of such process on the court house in which the Court may be then sitting, and on the usual place for posting notices in the nearest market town to the residence of the defendant named in such process, or of one of the defendants, if there be more than one, at least one calendar month before the first day of the next Sessions to be holden for the same division of the county or riding, shall be deemed good service of such process; and at foot of every such copy shall be affixed a notice that the same is so posted by order of the said Assistant Barrister, and that such posting will be held good service thereof; and upon its being proved on oath to the satisfaction of the Assistant Barrister at the next Sessions holden for the same division at the first town in which such Sessions shall be holden that such copy and notice have been so duly posted on some conspicuous part of the said court house, it shall be lawful for such Assistant Barrister and he is hereby authorized and required to proceed to hear and determine such civil bill in all respects as if the process thereon had been personally served on the defendant or defendants named therein.

III. That so much and such parts of an Act, 6 & 7 Will. 4. c. 75, intituled, 'An Act to extend the Jurisdiction and regulate the Proceedings of the Civil Bill Courts in Ireland,' as relate to the appointment of bailiffs for the execution of the decrees or orders of the Civil Bill Court for the county, and as provide for the payment of any fee or poundage to such bailiff, and as enact that the sum or fee of 1s. payable to sheriffs for special warrants shall be no longer payable, and as repeals the 26 Geo. 3. therein mentioned, so far as respects the payment of the said sum or fee of 1s., shall be and the same are hereby repealed, and the appointments of all bailiffs appointed under the said recited Act of the last session shall henceforward cease and determine.

IV. That all decrees and orders of the said Civil Bill Court which shall have been signed before the passing of this Act, and remaining unexecuted at the time of the passing hereof, and all decrees and orders hereafter to be signed, shall be executed by the sheriffs of the several counties in Ireland, or by persons authorized by them by special warrant, as if the said Act of the

last session of Parliament had not been passed, and as if the said decrees or orders had been directed to such sheriffs: Provided always, that decrees for delivering possession made by an Assistant Barrister or Judge on appeal shall be executed by the sheriff or his deputy in person, in manner and within the time and for the fee in the said Act of the last session directed in that behalf; and all decrees and orders of the said Court shall henceforward be directed to the sheriffs of the several counties in Ireland as before the passing of the said Act.

v. That whenever it shall be certified by the Assistant Barrister of any county to the grand jury of such county that an interpreter is necessary at the Quarter Sessions for such county, it shall and may be lawful for the grand jury to present, without any previous application at Sessions, to be levied off such county, any sum not exceeding 15*l.* at each Assizes as a salary or payment for such interpreter.

vi. That it shall be lawful for such Assistant Barrister to appoint either one interpreter for the whole of such county or separate interpreters for each district in which Sessions shall be holden, at his discretion, and to direct the salary to be presented as aforesaid to be paid among such interpreters, if more than one shall be appointed, in such manner as he shall think fit; and that upon a certificate signed by such Assistant Barrister, specifying the amount of such payment, being produced to the treasurer of such county, it shall be lawful for such treasurer to pay to such interpreter or interpreters after every Assizes the amount of the payment mentioned in such certificate, not exceeding in the whole the sum presented by the grand jury for that purpose.

vii. That each and every such interpreter may be removed at the will and pleasure of the Assistant Barrister of such county for the time being, and that any other person or persons may be appointed in his place by such Assistant Barrister.

viii. That the term "Assistant Barrister" in this Act shall be construed to include the Chairman of the Sessions for the county of Dublin and also the Recorder of the city of Dublin.

CAP. XLIV.

AN ACT to provide for the Costs of Prosecutions for concealing the Birth of Children by secret burying or otherwise disposing of their Dead Bodies.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Courts empowered to order payment of prosecutors and witnesses in indictments for concealing the birth of any child.
2. Orders for payment of money in such cases to be the same as orders for payment of costs in cases of felony.
3. Act may be altered.

By this ACT,

After reciting that by 9 Geo. 4. c. 31. it is amongst other things enacted, that if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor: and that no provision is made by law for payment of the costs of prosecutions for such misdemeanors:—

It is Enacted,

i. That where any prosecutor or other person shall appear before any Court, on recognizance or subpœna, to prosecute or give evidence against any person upon any charge of having so endeavoured to conceal the birth of any child, every such Court is hereby authorized and empowered, whether any bill of indictment for such charge shall or shall not be actually preferred, to order payment of the costs and expenses of the prosecutor and witnesses for the prosecution, together with a compensation for their trouble and loss of time, in the same manner as Courts are now by law authorized and empowered to order the same in prosecutions for felony.

ii. That every order for the payment of any money by virtue of this Act shall be made out and delivered by the proper officer of the Court unto such prosecutor or other person upon the same terms and in the same manner in all respects as orders for the payment of costs are now made in cases of felony; and the treasurer or other person, when any such order shall be made, shall be and he is hereby required, upon sight of such order, forthwith to pay to the person therein named, or to any one duly authorized in that behalf, the money in such order mentioned; and such treasurer or other person shall be allowed the same in passing in his accounts.

iii. That this Act may be altered or repealed by any other Act in this present session of Parliament.

CAP. XLV.

AN ACT to alter the Mode of giving Notices for the holding of Vestries, of making Proclamations in Cases of Outlawry, and of giving Notices on *Sundays* with respect to various Matters.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of the first recited Act, 38 Geo. 3. c. 59, as directs publication of notices repealed.—Notices not to be given in churches during divine service, &c.*
 2. *Notices heretofore usually given during or after Divine Service, &c. to be affixed to the church doors.*
 3. *Notices for holding vestries to be signed as herein directed.*
 4. *Decrees, &c. of Ecclesiastical Courts not to be read in churches.*
 5. *Act not to extend to notices purely ecclesiastical.*
 6. *Extension of Act.*
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By this Act,

After reciting that by 58 Geo. 3. c. 69. it is enacted, that no vestry or meeting of the inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel on some Sunday during or immediately after Divine Service, and by affixing the same, fairly written or printed, on the principal door of such church or chapel: And that by an Act, 31 Eliz. it is enacted, that before any outlawry shall be had and pronounced proclamation shall be made at the door of the church or chapel of the town or parish where the defendant shall be dwelling immediately after Divine Service on a Sunday: And that by divers Acts relative to the assessing and collecting of highway and poor rates and land tax, and other matters, it is directed or required that public notice shall be given with reference to certain proceedings relating thereto respectively in the parish churches or chapels during Divine Service: And that by ancient custom notice is usually given in churches during Divine Service of the times appointed for holding courts leet, courts baron, and customary courts; and that it is expedient that such mode of giving notices should be altered:—

It is Enacted,

I. That from and after the passing of this Act so much of the said first-recited Act as directs the publication of such notices to be made in the parish church or chapel on some Sunday during or immediately after Divine Service shall be and the same is hereby repealed; and that from and after the 1st of January next no proclamation or other public notice for a vestry meeting or any other matter shall be made or given in any church or chapel during or after Divine Service, or at the door of any church or chapel at the conclusion of Divine Service.

II. That from and after the 1st of January next all proclamations or notices, which under or by virtue of any law or statute, or by custom or otherwise, have been heretofore made or given in churches or chapels during or after Divine Service, shall be reduced into writing, and copies thereof either in writing or in print, or partly in writing and partly in print, shall previously to the commencement of Divine Service on the several days on which such proclamations or notices have heretofore been made or given in the church or chapel of any parish or place, or at the door of any church or chapel, be affixed on or near to the doors of all the churches and chapels within such parish or place; and such notices when so affixed shall be in lieu of and as a substitution for the several proclamations and notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever.

III. That no such notice of holding a vestry shall be affixed on the principal door of such church or chapel unless the same shall previously have been signed by a churchwarden of the church or chapel, or by the rector, vicar, or curate of such parish, or by an overseer of the poor of such parish; but that every such notice so signed shall be affixed on or near to the principal door of such church or chapel.

IV. That from and after the 1st of January next no decree relating to a faculty, nor any other decree, citation, or proceeding whatsoever in any Ecclesiastical Court, shall be read or published in any church or chapel during or immediately after Divine Service.

V. Provided always, That nothing in this Act shall extend or be construed to extend to the publication of banns, nor to notice of the celebration of Divine Service or of sermons, nor to restrain the curate, in pursuance of the rules in the book of Common Prayer, from declaring unto the people what holy days or fasting days are in the week following to be observed, nor to restrain the minister from proclaiming or publishing what is prescribed by the rules of the book of Common Prayer, or enjoined by the Queen or by the Ordinary of the place.

VI. That all the provisions of this Act shall extend and be construed to extend to the town of Berwick-upon-Tweed, the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark.

CAP. XLVI.

AN ACT to vest the Rolls Estate in Her Majesty, and to provide for the future Payment of the Salary of the Master of the Rolls and the Expenses of the Rolls Chapel.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *The Acts 17 Geo. 3. c. 58, and 1 Geo. 4. c. 107. repealed.*
2. *Rolls estate to be vested in the Crown.*
3. *Provision for the continuance of the Rolls Court Chapel and offices.*
4. *Commissioners of Woods, by direction of the Treasury, may appropriate any part of the Rolls estate for the purposes of any of the courts, or for a depository of records.*
5. *Separate account to be kept of monies received and paid under this Act.*
6. *Sale of stock for paying expenses of Act and other costs, and residue thereof to form part of Consolidated Fund.*
7. *Ancient payments out of the hanaper to cease.*
8. *Repeal of provision in 23 Geo. 2. c. 25.*
9. *Abolishing payment of certain fees to the Master of the Rolls.*
10. *Other fees to be paid into the Exchequer.*
11. *Repeal of provision in 6 Geo. 4. c. 84.*
12. *Salary to be paid to Master of Rolls in lieu of fees.*
13. *Salary to be paid to the preacher, reader, and clerk at the Rolls Chapel.*
14. *Master of the Rolls to have the same power of appointing officers as he now exercises.*

By this Act,

After reciting that the mansion house, chapel, messuages, and estates, commonly called the Rolls estate, which are situate in and near Chancery Lane in the county of Middlesex, and were formerly the site of the house or hospital of converts or converted Jews, and the hereditaments thereto belonging, were granted by King Edward the Third by letters patent bearing date the 11th of April, in the fifty-first year of his reign, to remain and continue for ever to the clerk or keeper of the rolls of Chancery for the time being, and to be annexed to the said office for ever; and in the letters patent by which the present Master of the Rolls has been appointed, and in every of the letters patent by which several preceding Masters of the Rolls respectively have been appointed, there have been thereby granted by his late Majesty and his royal predecessors respectively to such Master of the Rolls respectively the custody of the house or hospital of the converts for the habitation of the said Keeper or Master of the Rolls, together with all edifices, yards, gardens, and orchards to the same house or hospital in anywise belonging or appertaining, to hold the same (together with such office of Keeper or Master of the Rolls) unto such person respectively during his life, with all rights and appurtenances whatsoever to the said office or to the house or hospital aforesaid belonging or appertaining, the wages, fees, rewards, commodities, emoluments, and profits whatsoever anciently in anywise accustomed and due to the same office, to be received yearly, together with all and all manner of other rights, liberties, pre-eminences, profits, emoluments, mannaions, places, and appurtenances whatsoever in anywise belonging or appertaining to the office aforesaid, in as ample manner and form as any other Keeper or Master of the Rolls or of the said house or hospital was or were accustomed to receive and enjoy the same: And that the said Rolls estate consist of the mansion house, with the court-yard, garden, stable, coach-house, and other houses and buildings thereunto belonging, the chapel called the Rolls Chapel, and several messuages and hereditaments, and a particular or rental of the said estates is annexed by way of Schedule to this Act: And that by virtue of an Act, 12 Car. 2. c. 36, intituled, 'An Act empowering the Master of the Rolls for the time being to make Leases for Years in order to new-build the old Houses belonging to the Rolls,' and also an Act, 17 Geo. 3. c. 59, intituled, 'An Act to repeal an Act made in the Twelfth Year of King Charles the Second, intituled, "The Master of the Rolls empowered to make Leases for Years in order to new-build the old Houses belonging to the Rolls," and for the better regulating the Method of granting Leases of the said Rolls Estate, and for making Compensation to the Earl of Maclesfield and Sir Thomas Sewell for their beneficial Rights and Interests in certain Leases made of the Rolls Estate, and for regulating the Method of making Leases of the said Estate for the future,' the Master of the Rolls for the time being has from time to time granted leases of the said messuages and premises (the said Chapel of the Rolls, and the said mansion house, court-yard, garden, stable, coach-house, and other outhouses and buildings fit for the habitation and use of the Master of the Rolls, only excepted): And that by an Act, 1 Geo. 4. c. 107, intituled, 'An Act for appropriating to the Use of the Master of the Rolls for the Time being the Rents of the Rolls Estate, and the Dividends of the Funds in the Court of Chancery arising from the surplus Rents of that Estate, it was enacted, that the sum of 4,081*l.* 4*s.* 4*d.*, three per centum bank annuities, purchased in pursuance of the said Act, 17 Geo. 3. c. 59, with the surplus of the rents and profits of the said Rolls estates, and then standing in the name of the Accountant General of the Court of Chancery to the account "The Account of the Rolls Estate," should be and remain in the said Court to the said account called "The Account of the Rolls Estate," and should be and form a fund for the purpose (if necessary) of repairing, supporting, and rebuilding the houses and premises called the Rolls estate, and keeping the same insured from loss or damage by fire (except the said chapel and mansion house, with their appurtenances), and be sold, applied, and disposed of for those purposes or any of them by order of the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal from time to time as there might be occasion, and that the dividends, interest, and annual produce thereof then due and thereafter to accrue due might from time to time be paid by the said Accountant General without any order or draft for that purpose to the Master of the Rolls for the time being, subject nevertheless to any order of the Court, as therein and hereinbefore is mentioned; and by the same Act it was further enacted, that the Master of the Rolls for the time being should

after the passing of the said Act have and be entitled to receive the whole of the rents and profits of the said estate called "The Rolls Estate," after providing for the keeping in repair and properly supporting and rebuilding and insuring from fire the said houses and premises to and for his own use and benefit: And that the said sum of 4,081*l.* 4*s.* 4*d.*, three per centum bank annuities, remains standing in the name of the said Accountant General in the account aforesaid, and since the passing of the said hereinbefore in part recited Act, 1 Geo. 4. c. 107, the dividends and annual produce thereof, amounting to the annual sum of 122*l.* 8*s.* 8*d.*, and also the rents, issues, and profits of the Rolls estate (which on an average of the last two years amount to the annual sum of 2,119*l.* 16*s.*), have been received by the Master of the Rolls for the time being as part of the emoluments of his office: And that the Court in which the Master of the Rolls is accustomed to sit as one of the Judges of the Court of Chancery out of term, together with certain rooms adjacent thereto necessary for the administration of justice there, form part of the said mansion house: And that the other part of the said mansion house and the garden and appurtenances thereto belonging are not at present used by or for the accommodation of the Master of the Rolls, and some of the rooms in the said mansion house are occupied by records belonging to Her Majesty's Court of Queen's Bench: And that, in pursuance of an Act, 6 & 7 Will. 4. c. 49, intitled, 'An Act to enable the Master of the Rolls to demise part of the Rolls Estate to the Society of Judges and Serjeants,' the Master of the Rolls, with the consent and approbation of three of the Commissioners of Her Majesty's Treasury, hath granted a lease of part of the garden belonging to the said mansion house to the said Society of Judges and Serjeants at Law for a term of ninety-nine years at a peppercorn rent, for the purpose of building chambers for the Judges thereon: And that by an Act, 50 Geo. 3. c. 164. s. 2, intitled, 'An Act for building certain Offices for the Examiners, Coroner, Clerks of the Crown, and Clerks of the Petty Bag of the High Court of Chancery, and for making certain Regulations in the Examiner's Office of the said Court, and for making Provision for such of the Examiners, Deputy Examiners, and Clerks as from Length of Service or from Age or Infirmary are or shall be incapacitated from the due Execution of their Offices, and for making Provision for other Officers of the said Court, and for making other Payments in respect of the said Officers,' the freehold of the Buildings in the Rolls Yard, Chancery Lane, where the business of the office of Examiners, and also of the offices of the Clerk of the Crown and Clerk of the Petty Bag, is now carried on, with its rights, members, and appurtenances, and all other premises, if any, which should thereafter be purchased for the purposes of the said offices, together with all buildings then or thereafter to be erected thereon, were vested in the Master of the Rolls for the time being for the use and for the purposes of the said offices, and subject to such rules and regulations respecting the use and occupation thereof, and of the rooms and chambers thereto belonging or therewith occupied, as the Court of Chancery shall from time to time order and direct: And that several of the most valuable records of the Chancery of England are deposited in presses in closets in the inside of the said Rolls chapel, and on shelves and closets in the roof thereof: And that the two chaplains of the Master of the Rolls have respectively been appointed from time to time by the Master of the Rolls for the time being, and have officiated as preacher and reader in the performance of Divine Worship in the said chapel: And that an ancient yearly payment or sum of 4*l.*, chargeable upon and issuing out of the rectory of St. Dunstan in the West in the city of London and the suburbs of the said city, is payable to the Master of the Rolls for the time being; and by an Act 1 Geo. 4. c. lix. intitled, 'An Act for uniting the Rectory and Vicarage of the Parish of Saint Dunstan in the West in the City of London and the Suburbs of the said City, and for securing a certain annual Payment to the Rector of the said Parish in lieu of Tithes,' it was enacted, that the rector of the said parish shall be and remain subject to the payment of and shall well and truly pay the said yearly payment or sum of 4*l.* to the Master of the Rolls for the time being on the 29th of September in each year: And that the said preacher hath also been accustomed to receive from the Masters, Six Clerks, Registrars, and other officers of the said Court of Chancery who are considered to be entitled to seats in said chapel certain fees, amounting to the yearly sum of 49*l.* 2*s.* 8*d.* or thereabouts; and the said reader has received the rents at which pews in the said chapel have been let to persons not entitled to seats therein, and sums have been paid out of the rents and profits of the Rolls estate to the said preacher and reader to make up to each of them, together with the said annual sums, fees, and rents received by them respectively, the annual sum of 100*l.*; and there has also been paid out of the rents and profits of the said Rolls estate the annual sum of 10*l.* to the clerk attending the performance of Divine Service at the said chapel, and the annual sum of 9*l.* or thereabouts to a laundress for keeping the said chapel clean: And that certain ancient annual payments, amounting to the yearly sum of 45*l.* 18*s.* 7*d.*, are payable to the Master of the Rolls for the time being by the Keeper and Clerk of the Hanaper in Chancery out of the income and revenue of his office: And that by an Act, 23 Geo. 2. c. 25. s. 4, intitled, 'An Act for making good a Deficiency upon the Revenue of the Office of Keeper or Clerk of the Hanaper, and for preventing any future Deficiency therein to answer the Public Services provided for out of the same, and for augmenting the Income of the Office of the Master or Keeper of the Rolls,' it was enacted, that out of the duties granted by the said Act, and thereby directed to be paid into the receipt of His Majesty's Exchequer at Westminster, there should be issued and paid unto the Keeper or Clerk of the Hanaper in Chancery for the time being, or his deputy, a yearly sum not exceeding the sum of 3,000*l.*; and that the said yearly sum of 3,000*l.*, and also the yearly interest, dividends, and proceeds which should arise or be produced from the surplus cash therein mentioned, should be issued, paid, applied, and accounted for, together with and as part of the ordinary income and revenue of the Hanaper Office, in such and the same manner as the income and revenue of the said office had from time to time been issued, paid, applied, and accounted for, and also the payment of the yearly sum of 1,200*l.* to the Master or Keeper of the Rolls for the time being: And that out of the said annual sum of 1,200*l.* paid by the Clerk of the Hanaper as aforesaid in pursuance of the said last-mentioned Act, there are now paid by the Master of the Rolls for land-tax duty and stamps sums of money amounting to the annual sum of 331*l.* 1*s.* 6*d.*, and also a fee of 2*l.* 2*s.* to the Clerk of the Hanaper, by which payment the amount of salary or pecuniary profit received by the Master of the Rolls in respect of the said sum of 1,200*l.* is reduced to the annual sum of 866*l.* 16*s.* 6*d.*: And that by an Act, 6 Geo. 4. c. 84. s. 2, intitled, 'An Act to provide for the augmenting the Salaries of the Master of the Rolls and the Vice Chancellor of England, the Chief Baron of the Court of Exchequer, and the Puisne Judges and Barons of the Courts in Westminster Hall, and to enable His Majesty to grant an Annuity to such Vice Chancellor, and additional Annuities to such Master of the Rolls, Chief Baron, and Puisne Judges and Barons on their Resignation of their respective Offices,' it was enacted, that from and after the passing of the said Act there should be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after paying or reserving sufficient to pay all such sum and sums of money as had been directed by any former Act or Acts of Parliament to be paid out of the same, but with preference to all other payments which should or might thereafter be charged upon or payable out of the same fund,) to the several persons thereafter mentioned, as in

segmentation of their respective salaries and pecuniary profits belonging to the said respective offices, the several annual sums thereafter respectively mentioned; (that is to say,) to the Master of the Rolls of the Court of Chancery in England such sum as with the sums then payable to the said Master of the Rolls in pursuance of the said Act, 23 Geo. 2, and in pursuance of the said Act, 1 Geo. 4, and with the other fees and emoluments of the said office, would make up the salary of the said office to the annual sum of 7,000*l.* and to other persons therein named the several other annual sums therein mentioned: And that the emoluments of the said office of Master of the Rolls referred to in the said last-mentioned Act, besides or in addition to the said interest, dividends, and annual produce of the said sum of 408*l.* 4*s.* 4*d.* 3*d.* per cent. bank annuities, and the rents and profits of the said Rolls estates (after making such payments thereout as aforesaid), and the said ancient payments made by the said Clerk of the Hanaper, amounting to the yearly sum of 45*l.* 18*s.* 7*d.*, and the said yearly sum of 1,200*l.* payable in pursuance of the said Act, 23 Geo. 2, (after making such payments thereout as aforesaid), consist of fees and parts of fees, and small ancient annual payments which are received or payable by the Registrars of the Court of Chancery, the Under Secretary of the Master of the Rolls, the Clerk of the Enrolments, the said Clerk of the Hanaper, the Clerks of the Petty Bag, the Clerk of the Rolls Chapel, and other persons: And that if the said Rolls estates and the other offices and estates now vested in the Master of the Rolls for the time being were vested in Her Majesty, and placed under the management of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the same, after making proper accommodation and provisions for the Court of the Master of the Rolls, and for the administration of justice in such court, and for the custody and deposit of the records and papers now placed in the Rolls Chapel, and the performance of Divine Worship in the said chapel, and for the transaction of the business of the offices which are now in the said Rolls Yard, and after appropriating such part or parts thereof (if any) as may be thought expedient for the purposes of any of the offices connected with the Courts of Chancery or the Courts of Law, might be made more available for the public service, or more profitable than under the management of the Master of the Rolls for the time being, or the receiver appointed by him: And that, in pursuance of the provisions of the said Act, 23 Geo. 2, there is now paid out of duties which form part of the said Consolidated Fund to the Clerk of the Hanaper an annual sum, to be paid over by him to the Master of the Rolls, who out of the same has to pay taxes and duties, which form part of the said Consolidated Fund, and then by virtue of the said first-recited Act receives back from the said Consolidated Fund the amount of such taxes and duties, and any other deficiency in the amount of his salary: And that the several complicated transactions aforesaid would be rendered unnecessary if the said ancient payments, amounting to the yearly sum of 45*l.* 18*s.* 7*d.* and the said yearly sum of 1,200*l.*, were no longer to be paid by the Clerk of the Hanaper to the Master of the Rolls, or accounted for as part of his annual salary: And that the fees payable to the Master of the Rolls by the Registrars of the Court of Chancery consist of the sum of 6*s.* 8*d.* out of the fees received by them from the suitors upon every decree or dismission, which are taxes on the administration of justice, and the same could not, it is apprehended, be abolished by virtue of the Act, 3 & 4 Will. 4. c. 94, intitled, 'An Act for the Regulation of the Proceedings and Practice of certain Officers of the High Court of Chancery in England,' because the same had been made to contribute towards the payment of the salary of the Master of the Rolls: And that the only fees payable to the Master of the Rolls which are received by his under secretary are the sum of 5*l.* 7*s.* 6*d.* upon the admission of every sworn clerk, and a sum of 5*s.* for allowing a Marshalsea Court writ or warrant to be executed within the Liberty of the Rolls: And that it is expedient that the said fee or sum of 6*s.* 8*d.* payable to the Master of the Rolls upon every decree or dismission, and the said fees payable to the Master of the Rolls on the admission of clerks in court, and on leave to execute Marshalsea Court writs within the Liberty of the Rolls, should be abolished: and that it will be more convenient, and more consistent with the honour and dignity of the Master of the Rolls, that the said full annual sum of 7,000*l.* should be received by him wholly out of the Consolidated Fund, and that the said fees and payments now received by him, and other the emoluments of his office, should be paid into the receipt of Her Majesty's Exchequer in ease of the public revenue, than that he should receive such fees, payments, and emoluments, and have to account for the same as parts of his salary:—

It is Enacted,

I. That the said Act, 17 Geo. 3. c. 59, (except so far as respects any leases made in pursuance of the power therein contained), and also the said first-mentioned Act, 1 Geo. 4. c. 107, shall be and the same are hereby repealed: Provided always, that the repeal of the said Acts shall not revive any Act or part of an Act thereby respectively repealed.

II. That from and after the passing of this Act the said mansion house, with the court-yard, garden, stable, coach-house, and other houses and buildings thereunto belonging, and the said chapel and several messuages and hereditaments adjoining or near thereto, commonly called the Rolls estate, or the house or hospital of the converts, of which a particular or rental is contained in the Schedule to this Act, and the rents which have accrued or shall accrue or become due for the same from the 5th of January last, and all other rents and hereditaments which are now vested in the Master of the Rolls by virtue of the letters patent by which he was appointed Master of the Rolls, (other than and except the said office of Keeper or Master of the rolls, books, writs, and records of the Chancery of England, and subject to such leases of parts of the hereditaments which are now subsisting and have been granted in pursuance of the powers of Acts of Parliament hereinbefore mentioned or any of them,) and also the said offices in the said Rolls Yard for the Examiners, Cursitors, Clerks of the Crown and Clerks of the Petty Bag of the High Court of Chancery, and all other messuages, lands, and hereditaments which by virtue of any Act or Acts of Parliament are vested in the Master of the Rolls for the time being, with their appurtenances, shall be and the same are hereby vested in Her Majesty as part of the possessions and land revenues of Her Majesty, her heirs and successors, in right of the Crown, and shall no longer be granted as heretofore to the Master of the Rolls for the time being, or annexed to the said office, and shall be within the ordering and survey of the Court of Exchequer in England, and subject to the provisions, powers, and authorities contained in the Act, 10 Geo. 4. c. 50, intitled, 'An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases, of the Land Revenue of the Crown within the survey of the Exchequer in England, and of the Land Revenue of the Crown in Ireland, and for extending certain Provisions relating to the same to the Isles of Man and Alderney,' and in the Act, 2 Will. 4. c. 1, intitled, 'An Act for uniting the Office of the Surveyor General of His Majesty's Works and Public Buildings with the office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, and for other Purposes relating to the Land Revenues,' and to all such other provisions, powers, and authorities in every respect as the other possessions and land revenues of the Crown within the ordering and survey of the said Court of Exchequer are subject to.

III. That there shall be continued or provided and maintained the said Court of the Master of the Rolls as one of the Judges of the Court of Chancery, and the rooms adjacent thereto, and now used for the administration of justice, or some other convenient court and rooms for the same purposes in the said mansion house, or upon or near the site thereof, or in some other convenient place, and a chapel called the Rolls Chapel, for the performance of Divine Worship in the said present chapel, or upon or near the site thereof, and also offices to be used and occupied by the said Examiners, Clerks of the Crown and Clerks of the Petty Bag of the High Court of Chancery, for the use and purposes of their respective offices in the said offices now in the Rolls Yard, or upon or near the sites thereof, or in some other convenient places.

IV. That it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by the direction of the Lord High Treasurer or any three of the Commissioners of Her Majesty's Treasury for the time being, at any time or times hereafter to appropriate any part or parts which they may think proper of the messuages, buildings, ground, and hereditaments now called the Rolls estate to or for the purposes of any of the courts of any of the Judges of the Court of Chancery, or of any courts, of Law or Equity or Bankruptcy, or of any office or offices belonging to or connected with the business of any such court or courts or for a depository of the records of the Court of Chancery, which are now accustomed to be kept in the said Rolls Chapel, or of any other records of any other of Her Majesty's courts of law or equity, or other public records, or for any other public purpose connected with the administration of justice, or the custody or preservation of records or documents, and for such purpose or purposes or any of them to cause any building or buildings thereon to be altered or pulled down, or any building or buildings to be erected thereon.

V. That the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall cause a separate and distinct account to be kept in the books of their office of the rents and profits and other monies received in respect of the hereditaments vested in Her Majesty by virtue of this Act, and of the payment and application of the same, and after deducting thereout all the expenses incidental to the collection and management of the same rents, profits, and hereditaments shall yearly and every year pay over the residue of the said rents and profits and other monies to be received as aforesaid into the receipt of Her Majesty's Exchequer at Westminster to the account of the Consolidated Fund.

VI. That the said Accountant General of the Court of Chancery shall and he is hereby required, by order or orders of the Master of the Rolls to be made in a summary way upon the petition of any person who shall be appointed by the Lord High Treasurer or any three of the Commissioners of Her Majesty's Treasury for the time being by writing under his or their hands to receive the monies to be produced by the sale of the said sum of 4,081*l.* 4*s.* 4*d.*, 3*l.* per centum Bank Annuities, now standing in the name of the said Accountant General, "the Account of the Rolls Estate" as aforesaid, after payment of such costs as hereinafter are mentioned, to sell the said sum of 4,081*l.* 4*s.* 4*d.*, 3*l.* per centum bank annuities, and out of the monies to be produced by sale thereof to pay to the person or persons named in such order or orders to receive the same all the costs and charges of procuring and passing this Act, and of all proceedings had or to be had in pursuance thereof, which shall be directed to be paid thereout by such Lord High Treasurer, or three of the Commissioners of Her Majesty's Treasury, together with the costs of such petition and order, and all costs relating thereto, the amount thereof to be certified by one of the Masters of the High Court of Chancery, and to pay to the petitioner appointed to receive the same as aforesaid the residue of the monies to be produced by such sale, after payment of all such costs and charges as aforesaid, for the purpose of being paid by such petitioner into the receipt of Her Majesty's Exchequer, and the same shall be carried to the credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

VII. That from and after the passing of this Act the said ancient payments, amounting to the yearly sum of 45*l.* 18*s.* 7*d.*, payable by the Clerk of the Hanaper out of the income or revenue of his office, to the Master of the Rolls for the time being, shall be discontinued and be no longer payable.

VIII. That so much of the said Act, 23 Geo. 2. c. 25. as directs the payment of the said sum of 1,200*l.* by the Clerk of the Hanaper to the Master of the Rolls shall be and the same is hereby repealed.

IX. That from and after the passing of this Act the said fee or part of a fee received by the Master of the Rolls for the time being from the Registrars of the said Court of Chancery out of the fees received by them upon every decree or dismission, shall no longer be received or be payable to the use of the Master of the Rolls, or be received or payable to the said Registrars from the person or persons by whom such fees are payable to them; and also that the said fee received by or paid to the use of the Master of the Rolls upon the admission of any sworn clerk, and the said fee received by or paid to the use of the Master of the Rolls for allowing a Marshalsea court writ or warrant to be executed within the Liberty of the Rolls as hereinbefore is mentioned, shall no longer be received or payable.

X. That from and after the 5th of July 1837, no fees or pecuniary profits whatever, other than and except such fees or pecuniary profits as shall have accrued or become payable previously to the said 5th of July 1837, and other than and except the salary directed to be paid by this Act, shall be received by or be payable to the use of the Master of the Rolls in respect of the execution of his office; and that all and every officers and persons who now receive for or pay to the Master of the Rolls for the time being any fees, portion or portions of fees, or any other sum or sums of money whatsoever in respect of his office, shall continue to receive the same, or the like fees, portion or portions of fees, and sums of money (except such as are hereby abolished) for the public use, and shall pay the same into Her Majesty's Exchequer, at such times and seasons as the same have been heretofore usually paid to the Master of the Rolls for the time being, or at such other times and seasons, and in such manner, and subject to such regulations, as the Lord High Treasurer or any three of the Commissioners of Her Majesty's Treasury for the time being shall from time to time direct, and with such deductions and allowances only as have been heretofore usually made and allowed.

XI. That so much of the said Act, 6 Geo. 4. c. 84, as relates to the salary of the Master of the Rolls, and requires an account of the amount of fees paid to him, or of sums of money received or payable to his use, to be delivered from time to time to the Lord High Treasurer or Commissioners of the Treasury for the time being, shall be and the same is hereby repealed, save and

except as to the delivery of such account up to the said 5th of July 1837, and the payment to the Master of the Rolls out of the Consolidated Fund as heretofore of the deficiency (if any) in the amount of his salary up to that day.

XII. That from and after the 5th of July 1837 there shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former Act or Acts to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon or payable out of the same fund,) for the salary of the Master of the Rolls of the Court of Chancery in England, in lieu of all pecuniary fees and emoluments now received by him, the annual sum of 7,000*l.*, to be computed and commenced, in the case of the present Master of the Rolls, from the said 5th of July 1837, and to be computed and commenced, in the case of every succeeding Master of the Rolls, from the death or resignation of his immediate predecessor, in like manner as if his appointment bore date the day next subsequent to the day of the death or resignation of his predecessor; which said annual sum of 7,000*l.* shall from time to time be payable and paid quarterly, free and clear from land tax and all other taxes and deductions whatsoever, on the 5th of January, the 5th of April, the 5th of July, and the 10th of October in each and every year, by even and equal portions, the first payment thereof to be made on the 10th of October next after the passing of this Act; and if any person having the office of Master of the Rolls shall die or resign such office, the executors or administrators of the person so dying or resigning such office shall be entitled to such proportionable part of the said salary as shall have accrued during the time that such person shall have executed the said office.

XIII. That from and after the said 5th of July 1837 there shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former Act or Acts to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon or payable out of the said Fund,) in lieu of the yearly payments now made out of the rents and profits of the said Rolls estates to the preacher and reader of the said Rolls Chapel, and to the clerk attending the performance of Divine Service there, and for keeping the said chapel clean, and on the same days or times and in the same manner as the said annual salary of 7,000*l.* is hereinbefore directed to be issued and paid to the Master of the Rolls, the annual sum of 225*l.* to the preacher for the time being of the Rolls Chapel, to be paid and applied by him (in such proportions and in such manner as the Master of the Rolls for the time being shall think proper and direct) to the preacher and reader at the said chapel, and to the clerk attending the performance of Divine Worship therein, and in payment of the expenses attending the performance of Divine Worship at the said chapel, and of keeping the said chapel clean.

XIV. Provided always, That the Master of the Rolls for the time being shall be entitled to appoint all such officers (except the receiver of the rents of the Rolls estate) as he would have been entitled to appoint if this Act had not been made; and that the present and all future officers appointed by the Master of the Rolls (except such receiver as aforesaid) shall have all such and the same powers, authorities, jurisdictions, and privileges, and shall be entitled to the same salaries, fees, profits, and emoluments, as they would have been entitled to have, receive, and enjoy if this Act had not been made.

The SCHEDULE to which this Act refers.

The ROLLS ESTATE consists of the following Particulars:

The Mansion House, in which is the Court.
 The Chapel and Office thereto belonging.
 The Secretary's Office.
 Coach-house and Stables.
 Porter's Lodge.
 Robing Room.
 Garden (a Portion of which the Master of the Rolls has demised to the Society of Judges and Serjeants by virtue of the Statute Sixth and Seventh William the Fourth, Chapter Forty-nine, for the Purpose of building Judges' Chambers thereon).

Also of the following Houses:

| Number in Rental. | TENANTS. | Number of Houses. | Expiration of the Term. | Yearly Rent. |
|-------------------------|-------------------|-------------------------|-------------------------|--------------------|
| <i>Fetter Lane.</i> | | | | |
| 1 | Holmes | 123 | 5 July 1845 | £. s. d. 36 0 0 |
| 2 | Meharey | 129 | 5 July 1838 | 25 0 0 |
| 3 | Kennedy | 125 | 5 July 1846 | 35 0 0 |
| 4 | Oakley | 119 | 5 January 1847 | 50 0 0 |
| 5 | Price | 115 | 5 July 1845 | 35 0 0 |
| 6 | Lightfoot | 133 | 5 January 1855 | 33 0 0 |
| 7 | Coleman | 124 | 5 January 1857 | 31 10 0 |
| 8 | West | 117 | 5 July 1840 | 44 0 0 |
| 9 | Highatt | 130 | 5 July 1847 | 28 0 0 |

| Number in Rental. | TENANTS. | Number of Houses. | Expiration of the Term. | Yearly Rent. |
|-------------------------------|---------------------|-------------------------|-------------------------|--------------|
| <i>Fetter Lane—continued.</i> | | | | |
| 10 | Reeve | 118 | 5 July 1847 | 54 0 0 |
| 11 | Crookes | 120 | 5 July 1845 | 30 0 0 |
| 12 | Batchelor | 112 | 5 January 1839 | 30 0 0 |
| 13 | Mosley | 113 | 5 January 1839 | 42 0 0 |
| 14 | Savage | 111 | 5 July 1841 | 100 0 0 |
| 15 | Maclean | 135 | 5 July 1848 | 34 0 0 |
| 16 | Smith | 127 | 10 October 1851 | 73 10 0 |
| 17 | Birch | 116 | 5 January 1852 | 35 0 0 |
| 18 | Shaw and Sons | 136 | 5 January 1847 | 32 0 0 |
| 19 | Levy | 131 | 25 December 1840 | 30 0 0 |
| 20 | Bealby | 114 | 5 April 1840 | 30 0 0 |
| 21 | Shaw | 137 | 5 July 1847 | 30 0 0 |
| 22 | Quin | 122 | 5 January 1839 | 25 0 0 |
| 23 | Allingham | 121 | 5 January 1848 | 35 0 0 |
| 24 | Sewell | 132 | 5 January 1846 | 40 0 0 |
| 25 | Talmage | 134 | 5 January 1848 | 36 0 0 |
| 26 | Oakley | 120 | 5 July 1850 | 40 0 0 |
| <i>Chancery Lane.</i> | | | | |
| 27 | Moulton | 18 | 5 July 1858 | 56 0 0 |
| 28 | Northcroft | 97 | 5 July 1843 | 42 0 0 |
| 29 | Walford | 8 | 5 January 1848 | 54 0 0 |
| 30 | Heath | 11 | 5 January 1841 | 50 0 0 |
| 31 | Steer | 15 | 5 January 1845 | 63 0 0 |
| 32 | Mayhew | 19 | 5 July 1845 | 50 0 0 |
| 33 | Acton | 17 | 5 January 1840 | 35 0 0 |
| 34 | Chilton | 7 | 5 July 1838 | 58 10 0 |
| 35 | Ryder | 35 | 5 July 1838 | 50 0 0 |
| 36 | Steel | 12 | | 60 0 0* |
| 37 | Baddeley | 5 | 5 April 1856 | 70 0 0 |
| 37 a | Carlton | 6 | 5 April 1856 | 93 0 0 |
| 38 | Thomson | 9 | 5 January 1845 | 54 0 0 |
| 39 | Battye | 20 | | 40 0 0* |
| 40 | Davies | 13 | 5 July 1852 | 60 0 0 |
| 41 | Jones | 10 | 5 January 1845 | 60 0 0 |
| 42 | Hamilton | 16 | 5 July 1838 | 36 0 0 |
| 43 | Offord | 98 | 10 October 1838 | 40 0 0 |
| <i>Carey Street.</i> | | | | |
| 44 | Hepburn | 61 | 5 January 1837 | 60 0 0* |
| <i>Rolls Buildings.</i> | | | | |
| 45 | Moy | 1 | 5 April 1841 | 29 0 0 |
| 46 | Reeve | 4 | 5 July 1837 | 35 0 0 |
| 47 | Legg | 17 | 5 July 1847 | 38 0 0 |
| 48 | Barrack | 3 | | 36 0 0* |
| 49 | Triston | 2 | 5 January 1848 | 38 0 0 |
| 50 | Smith | 19 | 5 July 1845 | 38 0 0 |
| 51 | Robertson | 18 | 5 January 1848 | 40 0 0 |
| 52 | Walker | 19 | 5 July 1848 | 38 0 0 |
| 53 | Hasterick | 16 | | 38 0 0* |
| 54 | Howlett | 6 | 5 July 1845 | 34 0 0 |
| <i>Waste Land at Norwood.</i> | | | | |
| 56 | Richardson | | | 1 1 0 |

The Leases of the Houses which are distinguished by the Mark (*) have expired.

The following Offices, (videlicet), the Subpoena Office, the Examiner's Office, the Crown Office in Chancery, and the Petty Bag Office, and some Rooms in which Records are deposited, are also situate upon the Rolls Estate; but, under the Statute Fifthieth George the Third, Chapter One hundred and sixty-four, they are vested in the Master of the Rolls, in Trust and for the Purposes of the Act only.

CAP. XLVII.

AN ACT to repeal the Prohibition of the Payment of the Salaries and Allowances of the *East India Company's* Officers during their Absence from their respective Stations in *India*.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. So much of the provisions of the recited Acts as prohibits the payment of salaries to officers in the service of the *East India Company* during their absence shall not extend to cases of sickness;—nor to cases of officers quitting one presidency for another, in order to embark for Europe.
2. No rule valid till approved by Court of Directors, subject to the controul of Commissioners for Affairs of India.
3. Power for the Court of Directors, subject to aforesaid controul, to direct the refunding of any part of the allowance paid under any of said rules.

By this Act,

After reciting that by virtue of 33 Geo. 3. c. 52. and 3 & 4 Will. 4. c. 85, it is enacted, that “if any governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, and in the event of his not returning, or of his coming to Europe, his salary and allowances shall be deemed to have ceased on the day of his leaving the said territories or the presidency to which he may have belonged:” And that it is further provided in the said last-mentioned Act, that it shall be lawful for the said Company to make such payment as is now by law permitted to be made to the representatives of their officers or servants, who, having left their stations intending to return thereto, shall die during their absence, and it is expedient that such provision of the law should be altered in manner hereinafter mentioned:—

It is Enacted,

I. That so much and such part or parts of the said two Acts, 33 Geo. 3. c. 52. and 3 & 4 Will. 4. c. 85, and of any other Act or provision of the law, as enacts that if any governor or other officer whatever in the service of the said Company shall leave the presidency to which he shall belong, other than in the known actual service of the said Company, the salary and allowances appertaining to his office shall not be paid or payable during his absence to any agent or other person for his use, shall not extend to the case of any officer or servant of the Company under the rank of governor or member of council who shall quit the presidency to which he shall belong in consequence of sickness, under such rules as may from time to time be established by the Governor General in India in Council, or by the Governor in Council of such presidency, as the case may be, and who shall proceed to any place within the limits of the *East India Company's* charter, or to the Cape of Good Hope, or to the Mauritius, or to the island of St. Helena, nor to the case of any officer or servant of the said Company, under such rank as aforesaid, who, with the permission of the government of the presidency to which he shall belong, shall quit such presidency in order to proceed to another presidency for the purpose of embarking thence for Europe, until the departure of such officer or servant from such last-mentioned presidency with a view to return to Europe, so as that the port of such departure for Europe shall not be more distant from the place which he shall have quitted in his own presidency than any port of embarkation within such presidency.

II. Provided always, That no such rule so to be established as aforesaid shall have any force or validity until the same shall have been approved by the Court of Directors of the said Company, subject to the controul of the Commissioners for the affairs of India, in like manner as is provided by the said Act, 3 & 4 Will. 4. c. 85.

III. That it shall be lawful for the said Court of Directors, subject to such controul as aforesaid, to direct the refunding, by any officer or servant of the said Company, or by the representatives of any such officer or servant, of the whole or any part of the salary or allowance which he or they may have received under or by virtue of any such rule so to be established as aforesaid, if it shall appear to the said Court, subject to such controul as aforesaid, that the permission to such officer or servant to quit the presidency to which he shall belong hath been improperly granted or obtained; and such sum as the said Court, subject to such controul as aforesaid, shall direct such officer or servant, or the representatives of such officer or servant, to refund, shall be a debt due to the said Company, and shall be recoverable by them in any court in like manner as any debt may now or hereafter shall be recovered by them.

CAP. XLVIII.—IRELAND.

AN ACT to appoint a Second Commissioner of Bankrupt in *Ireland*; and to amend an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts* in *Ireland*.

(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Her Majesty may appoint a Second Commissioner.
2. Oath of Second Commissioner.—All commissions to be issued to both.—Full power to either Commissioner to act alone.

3. *The Second Commissioner to have all the powers, &c. of Commissioner under 6 & 7 Will. 4. c. 14.*
4. *Her Majesty may appoint First Commissioner when vacancy may occur.*
5. *First Commissioner to hold his office notwithstanding the demise of Her Majesty.*
6. *Salary of 1,500*l.* to be paid to the Second Commissioner.*
7. *4*l.* to be paid for every sitting before the Commissioners.*
8. *Power to appoint Assistant Registrar.*
9. *Repeal of provision as to messengers suing out commissions of bankruptcy, &c.*
10. *Provision in lieu thereof.*
11. *Attorney General may sue for penalties for taking unlawful fees, &c.*
12. *Persons imprisoned under provisions of Acts for riots, &c. in court, not to be prosecuted by Attorney General.*
13. *Commissions not to abate on demise of the Crown.*
14. *Commencement of Act.—Act may be altered.*

By this Act,

After reciting that by 6 & 7 Will. 4. c. 14. it was enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to appoint a fit and proper person, being a barrister-at-law of not less than ten years standing at the bar, to be the Commissioner in all commissions of bankrupt to be issued pursuant to the said recited Act, and to be called the Commissioner of Bankrupt, which Commissioner so to be appointed should hold his office during good behaviour; and that all commissions of bankrupt issued under the great seal of that part of the United Kingdom called Ireland, by virtue of said recited Act, should be issued to the said Commissioner; and that there should be paid and payable out of the monies standing to the Bankruptcy and Compensation Fund Account to the Commissioner of Bankrupt to be appointed by virtue of said recited Act, the yearly sum of 1,500*l.*, by four quarterly payments as therein mentioned: And that John Macan Esquire, one of Her Majesty's counsel at law, was duly appointed the Commissioner of Bankrupt under the said recited Act, and it has been found that the business of the court of the said Commissioner of Bankrupt and of matters in Bankruptcy therein cannot be discharged by one Commissioner, and that the public service requires that a second Commissioner of Bankrupt should be appointed for the due discharge of said business:—

It is Enacted,

I. That from and after the passing of this Act it shall and may be lawful for Her Majesty, her heirs and successors, by commission under the great seal of Ireland, to appoint a fit and proper person, being a barrister-at-law of not less than ten years standing at the bar, to be a Commissioner of Bankrupt in Ireland, and to be called the Second Commissioner of Bankrupt, which said Second Commissioner so to be appointed shall hold his office during good behaviour, notwithstanding the demise of Her Majesty (whom God long preserve) or any of her heirs and successors: Provided always, that it may be lawful for Her Majesty, her heirs and successors, to remove such Second Commissioner upon the address of both Houses of Parliament.

II. That such Second Commissioner, before he shall be capable of acting in the execution of any of the powers and authorities given him by virtue of this Act and the said recited Act, shall take the oath in the said recited Act contained and directed to be taken by the Commissioner of Bankrupt under the said recited Act; and that all commissions of bankrupt to be issued under the great seal of that part of the United Kingdom called Ireland shall be issued to both said Commissioners; provided however, that each of the said Commissioners shall have full power, jurisdiction, and authority to proceed in the execution of any commission in the absence of the other, as fully and effectually to all intents and purposes as if such commission was directed to him alone; and every act of any one Commissioner in the absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any one Commissioner without the consent of the other to rescind any order made by the other when sitting alone.

III. That the said Second Commissioner to be appointed under this Act shall have, as well in all commissions now subsisting as in those to be hereafter issued, all and every the rights, powers, jurisdiction, and authority, and be subject to all the duties of any Commissioner appointed or to be appointed under the said recited Act, and that all and every the enactments, classes, and provisions of the said recited Act shall extend and be applied to the said Second Commissioner of Bankrupt, to all intents and purposes whatsoever, as fully and effectually as if such Second Commissioner were appointed under the said recited Act.

IV. That upon the death, resignation, or removal of the First Commissioner already appointed or to be appointed under the powers of the said Act it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to appoint any person to be the First Commissioner in place of such First Commissioner so dying, resigning, or removed, but it shall and may be lawful for Her Majesty, her heirs and successors, by commission under the great seal of Ireland, to appoint a fit and proper person, being a barrister-at-law of not less than ten years standing at the bar, to be a Commissioner of Bankrupt in Ireland, and to be called the First Commissioner of Bankrupt, and to exercise all the duties, and to have all the rights, incidents, and privileges, specified in the said recited Act with respect to the Commissioner of Bankrupt whom the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being were by the said recited Act authorized to appoint.

V. That the First Commissioner already appointed, or any other First Commissioner appointed upon his death, resignation, or removal, shall hold his office notwithstanding the demise of Her Majesty (whom God long preserve) or any of her heirs and successors, and shall not be removed by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, any law or statute to the contrary notwithstanding: Provided always, that it may be lawful for Her Majesty, her heirs and successors, to remove such First Commissioner or such other Commissioner upon the address of both Houses of Parliament.

vi. That from and after the appointment of said Second Commissioner there shall be paid to him and his successors in office, out of the monies standing to the Bankruptcy and Compensation Fund Account, the yearly sum of 1,500*l.*, the which said sum shall be paid at the same times and in like manner as the salary provided by said recited Act is directed to be paid to the Commissioner thereby appointed; and the Commissioner appointed by virtue of this Act, or his executors and administrators, shall be entitled to the like proportional part of his salary, in the event of his removal, resignation, or death, as is provided by the said recited Act for said Commissioner thereby appointed.

vii. That in lieu of the fee of 3*l.* sterling payable by the said recited Act for every sitting under any commission there shall be paid for every sitting under any commission before either of said Commissioners the sum of 4*l.* sterling, to be paid or abated as in said recited Act is provided with reference to the said former fee of 3*l.*

viii. That it shall and may be lawful for the Lord Chancellor of Ireland, if he shall think it necessary for the proper discharge of the business of the Court of said Commissioners, to appoint some proper person to act as Assistant Registrar of said court, and to direct that a salary not exceeding 300*l.* per annum shall be paid to him out of the said Bankruptcy and Compensation Fund, and from time to time to remove such Assistant Registrar if he shall think fit, and on his removal, or on his resignation or death, to appoint another person in his place.

And after reciting that it is by the said recited Act enacted, that any person or persons acting as messenger or messengers and who shall issue any commission of bankruptcy, or when issued out shall act as agent in such commission, shall from such time be considered incapable for ever after of holding the office of messenger in any commission of bankrupt;—

It is Enacted,

ix. That the said last-recited enactment be and the same is hereby repealed.

x. That if any messenger or messengers shall sue out or prosecute any commission of bankrupt, or shall act as agent in any commission of bankruptcy, he or they shall from such time be incapable for ever after of holding the office of messenger in any commission of bankrupt; and every messenger shall, before the Commissioner executes his warrant of seizure to him, take before the Commissioner the oath required by the said recited Act.

xi. That if any person shall take any fee, emolument, gratuity, sum of money, or thing of value contrary to the provisions of the said recited Act, such person so offending shall be subject and liable to all the penalties and forfeitures enacted by the said Act, and may be prosecuted either by information at the suit of Her Majesty's Attorney General or by criminal information before Her Majesty's Court of Queen's Bench, or by indictment.

xii. That no person who under the provisions of the said recited Act and of this Act shall be punished or liable to be punished by imprisonment for riot or disturbance in any court held by any Commissioner or Commissioners of Bankrupt, or for interrupting in any such court the Commissioner in the exercise of his duty, shall be prosecuted for such offence or offences by information at the suit of Her Majesty's Attorney General, or by criminal information before Her Majesty's Court of Queen's Bench, or by indictment, anything in the said recited Act to the contrary notwithstanding.

xiii. That no commission of bankrupt heretofore issued, or which shall hereafter be issued, shall be deemed to have abated or shall abate by reason of the demise of the Crown, or by the removal, death, or resignation of the Commissioner or Commissioners named therein; and when the Commissioner or Commissioners named in any such commission shall die, resign, or be removed, his or their successor and successors in office for the time being shall execute such commission.

xiv. That this Act shall commence and take effect on and from and after the 15th of July 1837; and that this Act may be repealed, altered, or amended during this present session of Parliament.

CAP. XLIX.

AN ACT to amend certain Laws of Excise relating to the Duties on Malt made in the United Kingdom.
(12th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. So much of 11 Geo. 4. c. 17. as requires the keeping of barley books by maltsters repealed.
2. Respecting notices required to be given by maltsters.
3. So much of 7 & 8 Geo. 4. c. 52. as empowers officers to turn over and lay level again corn or grain which they may suspect to have been forced together in the cistern or couch frame, &c. repealed.
4. So much of 11 Geo. 4. c. 17. as specifies what increase shall be evidence of treading or forcing together, repealed.
5. Officer of Excise, suspecting any cistern or couch to be trodden or forced together, may have the same turned out and returned.—What increase to be deemed conclusive evidence of treading or forcing together.
6. So much of 11 Geo. 4. c. 17. as allows maltsters to sprinkle grain which has been wetted fifty hours repealed.
7. Maltsters may sprinkle grain wetted fifty hours under certain regulations.
8. So much of 11 Geo. 4. c. 17. as relates to allowances to be made on gauging corn or grain making into malt for the charge of duty, repealed.
9. Allowances to be made on gauging corn or grain making into malt for the charge of duty.
10. Maltster may have six floors, including the couch and kiln, in operation at the same time.
11. Officer to enter on the specimen the number of bushels charged on each steeping.
12. Commencement of Act.

By this Act,

After reciting the passing of 7 & 8 Geo. 4. c. 52; and that an Act, 11 Geo. 4. c. 17, was passed for altering and amending the said Act; and that it is expedient to alter and amend the said recited Acts:—

It is Enacted,

I. That so much of the said recited Act, 11 Geo. 4. c. 17, as enacts, "that there shall be delivered by the proper officer of Excise to every maltster or maker of malt a book prepared for such purposes as hereinafter mentioned, to be kept by such maltster or maker of malt in some public and open part of his or her entered premises, for the inspection of the officers of Excise; and every maltster and maker of malt shall, on the same day on which he shall steep any corn or grain to be made into malt, and within three hours after any corn or grain shall have been covered with water for the purpose of wetting or steeping the same to be made into malt, enter in such book and in the proper columns to be prepared for such purposes respectively a true and particular account of the quantity in bushels of the corn or grain so wetted or steeped, and shall enter against and immediately opposite to every such entry the particular day and hour of the day on and at which such corn or grain was so wetted or steeped and covered with water, and shall on the next survey of the officer of Excise produce to such officer the said book, with the said entries therein, for his information; and if any maltster or maker of malt shall not keep such book, or shall neglect or refuse to make any such entry as aforesaid, or to produce such book with such entries therein to the officer of Excise on his next survey, or shall convey away or conceal the same, or shall destroy or tear out any leaf thereof, or cancel, obliterate, destroy, or alter any entry therein, or make any false entry therein, or shall refuse to permit any officer of Excise at any time to inspect such book, or to make any minute therein, or to take any extract therefrom, as to such officer shall seem meet, or to remove or take away such book, leaving a new book for the like purpose in lieu thereof, or if any maltster or maker of malt shall have wetted or steeped any greater or less quantity of corn or grain than shall be stated in the entry thereof in the said book, every maltster or maker of malt so offending shall for every such offence forfeit and lose the sum of 50*l.*; provided that no maltster or maker of malt shall be subject to the said penalty for or by reason of his having steeped or wetted any greater or less quantity of corn or grain than shall be stated in the entry thereof, if the quantity wetted shall not be greater or less than the quantity entered in the proportion of one bushel in twenty," shall be and the same is hereby repealed.

II. That in all cases in the said recited Acts respectively in which any maltster or maker of malt shall be required to give any notice to an officer of Excise, the time for giving such notice shall be the same as is required to be given where the malt-house is situate in a city or market town, or in the suburbs thereof, notwithstanding the malt-house of the maltster or maker of malt giving such notice may not be so situated.

III. That so much of the said recited Act, 7 & 8 Geo. 4. c. 52, as enacts, "that if any officer of Excise shall have reason to believe or shall suspect that the corn or grain making into malt in any cistern or couch frame has been trodden or forced together, it shall be lawful for such officer and any person or persons in aid and assistance of such officer, in the presence of the maltster or maker of malt or of his or her servant, if such maltster or servant shall think fit to be present, to turn over all such corn or grain, either by throwing all such corn or grain from and out of the cistern or couch frame, and returning the same into the cistern or couch frame from which it shall have been thrown, and laying the same level again therein, or by turning over all such corn or grain in such cistern or couch frame and laying the same level again therein, or by throwing out any part of such corn or grain from such cistern or couch frame, and turning over so much thereof as shall be left remaining therein, and returning so much of such corn or grain as shall have been thrown out into the cistern or couch frame from which the same shall have been thrown, and laying the whole of such corn or grain level again in such cistern or couch frame, as to such officer shall seem fit; and every maltster or maker of malt, together with his or her servants, shall give such aid and assistance to such officer and to such person or persons as aforesaid in such behalf as aforesaid as such officer or other person may request; and if any increase shall be found in the gauge or quantity of such corn or grain, after being turned over and laid level again in the cistern or couch frame in any such manner as aforesaid, over and above the former gauge, in any greater proportion than that of one bushel in every twenty bushels of such corn or grain, the increase so found as aforesaid shall be deemed conclusive evidence that such corn or grain had been trodden or forced together; and if any maltster or maker of malt shall refuse to aid and assist any officer of Excise, or any person or persons acting in aid and assistance of such officer as aforesaid, every such maltster or maker of malt so offending shall for every such offence forfeit and lose the sum of 100*l.*; provided always nevertheless, that it shall be lawful to prove by any other or indifferent evidence than that above mentioned that such corn or grain had been trodden or forced together," shall be and the same is hereby repealed.

IV. That so much of the said recited Act, 11 Geo. 4. c. 17, as recites the said provision hereinbefore last repealed, and enacts, "that when any officer of Excise shall in manner authorized by the said recited Act turn over all such corn or grain, either by throwing all such corn and grain from and out of the cistern or couch frame, and returning the same into the cistern or couch frame from which it shall have been thrown, and laying the same level again therein, or by turning over all such corn or grain in such cistern or couch frame and laying the same level again therein, or by throwing out any part of such corn or grain from such cistern or couch frame, and turning over so much thereof as shall be left remaining therein, and returning so much of such corn or grain as shall have been thrown out into the cistern or couch frame from which the same shall have been thrown, and laying the whole of such corn or grain level again in such cistern or couch frame, as to such officer shall seem fit; and if any increase shall be found in the gauge or quantity of such corn or grain, after being turned over and laid level again in the cistern or couch frame in any such manner as aforesaid, over and above the former gauge, in any greater proportion than that of one bushel in every twenty bushels of such corn or grain, the increase so found is in and by the said recited Act to be deemed conclusive evidence that such corn or grain had been trodden or forced together: And whereas it may happen that when corn or grain has been emptied from the cistern into the couch frame more than twelve hours the increase thereof from the swell may amount to one bushel in twenty without fraud, and it is expedient to alter such proportion so far as respects such corn or grain in the couch frame; be it therefore enacted, that when any officer of Excise shall, in manner authorized by the said recited Act, turn over and level again in any couch frame any corn or grain after the expiration of twelve hours from the time when such corn or grain shall have been emptied from the cistern or cisterns into such couch frame, and any increase shall be found

in the gauge or quantity of such corn or grain, after being turned over and laid level again in the couch frame in any such manner as aforesaid, over and above the former gauge, no such increase shall be deemed conclusive evidence that such corn or grain had been trodden or forced together unless such increase shall be in any greater proportion than six bushels and one quarter of a bushel in every one hundred bushels of such corn or grain," shall be and the same is hereby repealed.

v. That when any officer of Excise shall suspect that the corn or grain making into malt in any cistern or couch frame has been trodden or forced together, or that the corn or grain so making into malt therein is so hard, close, and compact as it could not have been unless the same had been by some means or other trodden or forced together in such cistern or couch frame, it shall be lawful for such officer to direct the maltster or maker of malt, or his workmen and servants, to throw all such corn or grain from and out of the cistern or couch frame, and for such officer, and any person or persons in his aid or assistance, which aid and assistance the maltster or his workmen and servants shall also give if required, to return all such corn or grain into the cistern or couch from which the same shall have been thrown, and to lay the whole of such corn or grain level again in such cistern or couch; and if any increase shall be found in the gauge or quantity of such corn or grain, after being returned into and laid level again in the cistern or couch frame, over and above the former gauge taken before the same was thrown out, in any greater proportions than those of five bushels in every one hundred bushels previously to such corn or grain having been emptied eight hours from the cistern, or six bushels in every one hundred bushels if such corn or grain shall have been emptied from the cistern eight hours and not emptied sixteen hours, or seven bushels in every one hundred bushels if such corn or grain shall have been emptied from the cistern sixteen hours or upwards, the increase so respectively found as aforesaid shall be deemed conclusive evidence of such corn or grain having been trodden or forced together, and the Court or Justices before whom such evidence shall be given shall thereupon convict the maltster or maker of malt in the penalty imposed by the said recited Act, 7 & 8 Geo. 4. c. 52; and every maltster or maker of malt who, or whose servants or workmen shall, when directed by any officer of Excise, refuse to throw out any corn or grain making into malt from any cistern or couch, or to aid or assist, if required so to do, in returning the same into the cistern or couch from which the same shall have been thrown, shall forfeit 100*l*.: Provided always, that it shall be lawful to prove by any other or different evidence that such corn or grain had been trodden or forced together.

vi. That so much of the said recited Act, 11 Geo. 4. c. 17, as, after reciting that every maltster and maker of malt is by the said recited Act, 7 & 8 Geo. 4. c. 52, restricted from wetting, watering, or sprinkling any corn or grain making into malt before the expiration of twelve days or 288 hours after the same shall have been emptied or taken from or out of the cistern, and that it is expedient to allow, under certain regulations, maltsters and makers of malt to water and sprinkle corn or grain making into malt before the expiration of twelve days or 288 hours, enacts "that it shall and may be lawful for any maltster or maker of malt who shall have kept and continued any corn or grain making into malt covered with water in the cistern for the full space of fifty hours from the time of such corn or grain being first wetted or steeped, and who shall not at the same time have in the same malthouse any other corn or grain on the floor which shall have been kept and covered with water for any less space than fifty hours from the time of the same being first wet or steeped, to wet, water or sprinkle any such corn or grain at any time after the expiration of eight days or 192 hours after the same shall have been emptied or taken out of the cistern; provided always, that every maltster or maker of malt who shall wet, water, or sprinkle any corn or grain making into malt contrary to the regulations aforesaid shall be subject and liable to the penalty in and by the said recited Act imposed for wetting, watering, or sprinkling corn or grain before the expiration of twelve days or 288 hours," shall be and the same is hereby repealed.

vii. That it shall be lawful for any maltster or maker of malt who shall have kept and continued any corn or grain making into malt covered with water in the cistern for the full space of fifty hours from the time of such corn or grain being first wetted or steeped, and who shall not at the same time have in the same malthouse any other corn or grain in the couch or on the floor which shall have been kept covered with water in the cistern for any less space than fifty hours from the time of the same having been first wetted or steeped, to wet, water, or sprinkle any such corn or grain at the expiration of six days or 144 hours after the same shall have been emptied or taken out of the cistern, on giving notice to the officer of Excise of his intention to wet, water, or sprinkle such corn or grain twenty-four hours before wetting, watering, or sprinkling the same: Provided always, that every maltster or maker of malt who shall wet, water, or sprinkle any corn or grain making into malt before the expiration of twelve days or 288 hours, except under the regulations and on giving such notice as aforesaid, shall be subject and liable to the penalty imposed by the said recited Act, 7 & 8 Geo. 4. c. 52, for such offence.

viii. That so much of the said recited Act, 11 Geo. 4. c. 17, as enacts, "that whenever the duty upon malt shall be charged by gauge of the corn or grain taken whilst the same is in a state of operation or in process of making into malt, such allowances shall be made upon such gauges as are thereafter mentioned; that is to say, upon every gauge thereof taken by the officer of Excise in the cistern wherein the corn or grain is wetting or steeping to be made into malt, during the time which such corn or grain shall be kept and continued in such cistern, or in the couch frame into which such corn or grain shall be emptied, or on the floor, during the period for which such corn or grain is by this Act before required to be kept and continued in such couch frame, and directed to be deemed in couch, and gauged and taken account of as in such couch, and allowance shall be made by such officer of seventeen bushels and one half bushel in every 100 bushels of the whole quantity of the corn or grain so found by such gauge; and upon every gauge taken by the officer of Excise of such corn or grain on the floor after the expiration of twenty-six hours, if such corn or grain shall have been previously gauged and taken account of in the couch frame, and if such corn or grain shall not have been so previously gauged then after the expiration of thirty hours and before the expiration of seventy-two hours from the time when such corn or grain was emptied or taken from or out of the cistern, an allowance shall be made of one-third of the whole quantity of the corn or grain so found by such gauge as last aforesaid; and upon every gauge afterwards taken by the officer of Excise of such corn or grain before the same shall be dried an allowance shall be made by such officer of one-half of the whole quantity of such corn or grain so found by such gauge as last aforesaid; and the duty of Excise on malt when charged upon the corn or grain in a state of operation or in process of making into malt as aforesaid shall be charged on the beat of the several gauges so taken as aforesaid after such allowances shall have been so made thereon respectively as aforesaid," shall be and the same is hereby repealed.

ix. That in lieu of the allowances hereby repealed there shall be made upon the gauges of corn or grain taken whilst the same is in operation or in process of making into malt the allowances following; that is to say, upon every gauge thereof taken by the officer of Excise in the cistern wherein the corn or grain is wetting or steeping to be made into malt, during the time that such corn or grain shall be kept and continued in such cistern, or in the couch frame into which such corn or grain shall be emptied, or on the floor, during the period for which such corn or grain is by the said recited Act, 11 Will. 4, c. 17, required to be kept and continued in such couch frame, or directed to be deemed in couch, and gauged and taken account of as in couch, an allowance shall be made by such officer of eighteen bushels and one half bushel in every one hundred bushels of the whole quantity of the corn or grain so found by such gauge; and upon every gauge taken by the officer of Excise of such corn or grain on the floor or on the kiln after the expiration of twenty-six hours if such corn or grain shall have been previously gauged and taken an account of in the couch frame, or if such corn or grain shall not have been so previously gauged then after the expiration of thirty hours, an allowance shall be made by such officer of one half of the whole quantity of such corn or grain found by such gauge before the said corn or grain shall be wholly dried off and removed from the kiln; and the duty of Excise on malt, when charged by gauge upon the corn or grain in a state of operation or in process of making into malt, shall be charged on the best of the several gauges so taken as aforesaid after such allowances shall have been so made thereon respectively as aforesaid.

And after reciting that by the said recited Act, 7 & 8 Will. 4, no maltster or maker of malt is allowed at one and the same time to have more than five floors or quantities of corn or grain making into malt in the couch frame or on the floor or kiln, or all or any of them, wetted or steeped in and arising from, or pretended to have been wetted or steeped in and to have arisen from, or denoted by its place of deposit in the malthouse to have been wetted or steeped in and to have arisen from, one and the same cistern, or one or more cisterns emptied into one and the same couch frame, under a penalty of £200,—

It is Enacted,

x. That no maltster or maker of malt shall incur or be subject to the said penalty for or by reason of his having at the same time six floors or quantities of corn or grain making into malt in the couch frame or on the floor or kiln, or all or any of them, wetted or steeped in and arising from one and the same cistern or from one or more cisterns emptied into one and the same couch frame.

xi. That every officer of Excise surveying any maltster or maker of malt shall in respect of every wetting or steeping, of corn or grain to be made into malt at his next visit after the quantity of corn or grain so wetted or steeped shall have been dried off into malt and removed from the kiln, enter on the specimen the number of bushels of malt with which the maltster or maker of malt shall be chargeable on such wetting or steeping, according to the best gauge at any time had on such corn or grain, shewing in such entry whether such charge has arisen from the cistern or couch or the floor or kiln.

xii. That this Act shall commence and take effect on the 10th of October 1837.

CAP. L.

AN ACT to facilitate the Conveyance of Lands and Buildings for the purposes of Two Acts passed respectively in the Fifth and Sixth Years of His late Majesty King *William the Fourth*.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Provisions of recited Act to extend to copyhold lands, &c.
2. Provision for enfranchisement of copyholds.
3. Steward of manor to enter certificate on rolls of the manor, and to furnish a parchment copy thereof to the Poor Law Commissioners.
4. Mode of conveyance.

By this ACT,

After reciting the passing of 4 & 5 Will. 4. c. 76, intituled, 'An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales,' and 5 & 6 Will. 4. c. 69, intituled, 'An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales:' and that doubts are entertained as to whether the herein recited Acts respectively apply to lands or buildings or other hereditaments of copyhold or customary tenure; and it is expedient that such doubts should be removed, and that the provisions of the said Acts should be extended in some respects:—

It is Enacted,

i. That the provisions of the said herein recited Acts apply to and comprise lands and buildings and other hereditaments of copyhold or customary tenure, as well as lands, buildings, and other hereditaments of freehold tenure.

ii. That whenever any contract shall be entered into for the purposes of the said recited Acts or either of them, or of this Act, respecting any lands, buildings, or other hereditaments of copyhold or customary tenure, it shall be lawful for the Poor Law Commissioners to direct that the difference in value of such lands or buildings or other hereditaments, as of copyhold or

customary tenure, and the freehold or fee simple thereof including therein the value of any fine, heriot, or customary due, payment, or rent, or any service capable of being valued, in respect of such land or building or other hereditaments, shall be ascertained by such means as they shall think fit; and that such difference in value when so ascertained shall be paid to or invested for the use and benefit of the lord of the manor of which such lands or buildings or other hereditaments shall be parcel, or such other person as would be entitled to the fines payable upon death or alienation of the same, or to such heriot, dues, payment, rent, or service respectively; and upon and from the making of such payment or investment such lands or buildings or other hereditaments shall thenceforth be deemed enfranchised and for ever discharged from every fine, customary or copyhold, heriot, due, payment, rent, suit, or service; and such lands and buildings and other hereditaments shall thenceforth be and remain of the tenure of free and common socage: Provided always, that if any such lord of the manor or other person be under any legal disability, the powers of the said recited Acts, and of every other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons under disability to convey or otherwise dispose of and deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them: Provided also, that if such lord of the manor or other person be dissatisfied with such valuation, and shall within seven days after a tender made to him of the amount thereof, or after notice left at his last known place of residence, or with his known agent, of such amount being ready to be paid to him or invested as aforesaid, send notice by the post to the Poor Law Commissioners of such dissatisfaction, it shall be lawful for the Poor Law Commissioners to direct a further valuation to be made, at or within such period as they may see fit, by two valuers, one to be named by the Poor Law Commissioners, and the other by such lord of the manor or other person, which two persons so named shall previous to their entering on their valuation name a third valuer to be referred to in case they disagree, and the award of such three valuers, or any two of them, shall be binding on all parties; and on payment or investment, under the provisions of the said recited Acts or any of them or of this Act, of the amount of such last mentioned valuation, such lands or buildings and other hereditaments shall thenceforth be deemed enfranchised and discharged in manner aforesaid, and be and remain of the tenure of free and common socage: Provided always, that it shall be lawful for any overseers, guardians, lord of the manor, or other person to complete any voluntary agreement for the purchase and enfranchisement of any copyhold or customary lands, buildings, or other hereditaments, under the direction and with the approbation of the Poor Law Commissioners, in like manner as if such agreement had been originally made under this Act, anything in the said Acts or either of them, or in this Act, to the contrary notwithstanding; and in every such case, if any lord of the manor or other person be under legal disability, the power of the said recited Acts and of any other Act for building, hiring, or purchasing workhouses, or for acquiring lands for workhouse purposes, enabling persons to convey or otherwise dispose of or deal with property, shall apply to such lord of the manor or other person as amply and fully as if the case had been expressly provided for in such Acts or any of them.

III. That when and so soon as any such enfranchisement as aforesaid shall have been made it shall be lawful for the steward of the manor whereof the same lands or buildings were parcel, and he is hereby required, on receipt of a certificate of such valuation being made and enfranchisement effected, under the hands and seal of the Poor Law Commissioners, to enter such certificate on the rolls or books of the said manor, and to furnish a copy of such entry, written on parchment, to the Poor Law Commissioners, or to such person or persons as they may direct, and to certify the same to be a true extract under his hand; and such certificate or a copy thereof under the seal of the Poor Law Commissioners shall thenceforth be evidence of such enfranchisement.

IV. That all conveyances or instruments by way of sale or exchange, or assignment or security or transfer, to be made under the authority of the said recited Acts or either of them, or of this Act, may be made in such form as the Poor Law Commissioners shall by any order or orders signed by them and sealed with their common seal direct or approve of, or as near thereto as the number of parties, the nature of their interests, and the circumstances of each case will admit, and shall be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed, and without being enrolled.

CAP. LI.

AN ACT to authorize a further Issue of Exchequer Bills for Public Works and Fisheries and Employment of the Poor, and to amend the Acts relating thereto.

(15th July 1837.)

This Act, after reciting 57 Geo. 3. c. 34, 57 Geo. 3. c. 124, 1 Geo. 4. c. 60, 1 & 2 Geo. 4. c. 111, 3 Geo. 4. c. 86, 4 Geo. 4. c. 63, 5 Geo. 4. c. 36, 5 Geo. 4. c. 77, 6 Geo. 4. c. 35, 7 Geo. 4. c. 30, 7 & 8 Geo. 4. c. 12, 7 & 8 Geo. 4. c. 47, 1 & 2 Will. 4. c. 24, 3 & 4 Will. 4. c. 32, and 4 & 5 Will. 4. c. 72, contains the following enactments:—

- I. Her Majesty may authorize the Commissioners of the Treasury to issue Exchequer bills not exceeding 500,000*l.*, pursuant to 48 Geo. 3. c. 1, (except as otherwise provided by this Act).
- II. Powers of recited Act, 48 Geo. 3. c. 1. to extend to Exchequer bills to be made out under this Act.
- III. Bills to bear an interest not exceeding $3\frac{1}{4}$ d. per cent. ;—
- IV. And to be current to all receivers, &c., and at the Bank.
- V. Treasury to fix periods at which such Exchequer Bills shall be payable ;—
- VI. And to order payment of them out of the Consolidated Fund.

- VII. Treasury to issue money to defray the charges of executing recited Acts and this Act.
- VIII. Bank to continue the account already opened with the Commissioners for executing recited Acts.
- IX. Money to be paid into the Bank to make part of the Consolidated Fund.
- X. Commissioners for executing recited Acts to be Commissioners for executing this Act.
- XI. Commissioners to sign a declaration.
- XII. Amount of Exchequer bills advanced to be certified to the Comptroller General of the Exchequer.
- XIII. Lists of Exchequer bills made out to be delivered to Commissioners.
- XIV. Commissioners may advance Exchequer bills to parties engaged in public works, &c.
- XV. Powers, &c., of recited Acts as to advances to have the same force as if re-enacted in this Act.
- XVI. Commissioners may authorize the Bank to purchase Exchequer bills.
- XVII. Commissioners may make further advances for the completion of certain public works.
- XVIII. Commissioners may suspend payment of principal and interest on advances in certain cases and under certain conditions.
- XIX. Construction of certain words in this Act.

CAP. LII.

AN ACT to suspend to the End of the next Session of Parliament the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(15th July 1837.)

This Act contains the following clauses.

- I. General and subdivision meetings relating to the militia suspended.
- II. Proceedings may be had during such suspension by Order in Council.
- III. Act to extend to wardens of stannaries and to corps of Miners.

CAP. LIII.

AN ACT to explain and amend an Act of the Sixth and Seventh Years of His late Majesty, for extinguishing the Secular Jurisdiction of the Archbishop of York and the Bishop of Ely in certain Liberties in the Counties of York, Nottingham, and Cambridge.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

- 1. Gaol referred to in recited Act declared to be the county gaol; and Ely prisoners may be committed to the county gaol for the time being.
- 2. As to the imprisonment of persons convicted of crimes in the Isle of Ely.
- 3. Expenses payable by the Isle of Ely.
- 4. Settlement of expenses.
- 5. Justices of the Peace for the Isle of Ely to possess the same powers as Justices for counties.
- 6. Mutual powers given to Justices of the Peace for the county and for the Isle to apprehend offenders out of their respective limits.
- 7. Isle of Ely to be a division of a county.
- 8. Certain townships to be separated from the Liberty of Ripon and become parts of the North Riding.
- 9. Act may be repealed or altered.

By this Act,

After reciting that by 6 & 7 Will. 4. c. 87, it was amongst other things enacted, that all the secular authority of the Bishop of Ely in the Isle of Ely in the county of Cambridge, and all authority of the Chief Justice of Ely, theretofore appointed by the Bishop of Ely, should, from and after the passing of the said Act, cease and determine, and all the secular authority of the said Bishop should become and be vested in His late Majesty, his heirs and successors; provided always, that nothing therein contained should prevent any Justice of the Peace then acting for the said Isle from continuing to act as such within the limits of the said jurisdiction as if the said Act had not passed; and it was further enacted, that the county rates for the said Isle of Ely should remain, as theretofore, distinct from the rates for the rest of the county of Cambridge, and should be

assessed and levied, and paid and applied by and under the order and direction of the Justices of the Peace for the said Isle, as if the same were a separate county, but in all other respects under the same regulations as were applicable to the rates of other counties in England; and it was further enacted, that no person should, from and after the passing of the said Act, be committed to the gaol at Ely, but all persons who, if the said Act had not passed, might have been committed to or confined in such gaol, might be committed to and confined in the gaol at Cambridge, and the Justices of the said Isle of Ely should have full power to commit to the said gaol at Cambridge, and all persons who at the time of the passing of the said Act should be confined in the said gaol at Ely should, as soon as might be after the passing of the said Act, be delivered up by the keeper of the said gaol at Ely to the keeper of the said gaol at Cambridge, together with the warrant or instrument under or by virtue whereof every such person should be then detained in custody, and the keeper of the said gaol at Cambridge should receive and detain such persons in custody in the same way as if such persons had originally been committed to his custody: And that the gaol for the county of Cambridge is not locally situate within the town or borough of Cambridge, but is situate near thereto, and within the parish of Chesterton in the same county, and there is a gaol for the said town or borough which is situate within the precincts of the same: And that it is desirable to prevent any doubt as to the meaning of the said recited Act in regard to the gaol to which persons should be committed and removed from the said Isle of Ely, and to declare that by the gaol at Cambridge mentioned in the said Act the gaol for the county of Cambridge for the time being was meant and intended: And that by the committal of prisoners from the said Isle of Ely to the said county gaol, and the keeping and maintaining such prisoners there, considerable expense will be occasioned to the said county of Cambridge, and in consequence thereof it may be necessary to enlarge the said gaol for the county of Cambridge; and it is therefore expedient that all expenses already occasioned or which may hereafter be occasioned thereby, as well as from the prosecution, trial, punishment, conveyance, and transport of such prisoners, should be charged on the said rates for the said Isle of Ely:—

It is Enacted,

I. That by the gaol at Cambridge mentioned in the hereinbefore recited Act was meant and intended the gaol for the said county of Cambridge situate at Chesterton in the said county; and that all persons who if the said recited Act had not passed might have been committed to or confined in the gaol at Ely may be committed to and confined in the gaol for the time being of the said county of Cambridge, and that all Justices who if the said Act had not been passed might have committed to the gaol of the said Isle of Ely shall have full power to commit to the gaol for the time being of the said county of Cambridge.

II. That it shall be lawful for all Judges, Justices, and others acting under any commission of gaol delivery to direct that any person who shall have been committed for any crime from the said Isle of Ely, and who shall thereupon be convicted and sentenced to imprisonment, shall be imprisoned either in the gaol or house of correction of the said county of Cambridge, or in any other gaol or house of correction at Ely or Wisbeach, or elsewhere in the said Isle of Ely.

III. That all expenses already incurred or which may hereafter be incurred under or by virtue of the said recited Act by the committal of persons from the said Isle of Ely to the gaol for the said county of Cambridge, and of the keeping and maintenance of such persons there, and also of the prosecution, trial, punishment, conveyance, and transport of such prisoners, and all other expenses occasioned by their being kept and detained in such gaol, or by the consequent and necessary increase of turnkeys and other attendants, or the alteration or enlargement of the said gaol, and also a due proportion of the expenses of the necessary repairs of the said gaol, and of the general expenses of the establishment thereof for the time being, shall be paid and satisfied out of the said rates for the said Isle of Ely; and (notice in writing of the amount of such expenses being given or transmitted by post by the clerk of the peace for the said county to the clerk of the peace for the said Isle half-yearly, specifying the time at which the same are required to be paid,) the Justices of the Peace for the said Isle shall from time to time assess and levy the amount of such expenses, and use and exercise all powers, authorities, and methods in regard thereto, in the same manner as they are and shall be empowered by law to assess and levy county rates, or rates in the nature of a county rate, within the said Isle for other purposes; and the amount of such expenses shall from time to time be paid by the treasurers for the said Isle, or one of them, to the treasurer for the said county, to be applied to the satisfaction of all such expenses accordingly; and such last-mentioned treasurer shall be accountable for the same in the same manner as for other county rates received by him: Provided always, that no enlargement of the said gaol shall be made until notice of such proposed enlargement shall be given by the clerk of the peace for the said county to the clerk of the peace for the said Isle, nor until the expediency of such enlargement shall have been submitted to the consideration of and shall have been agreed to by a joint committee of six Justices of the Peace for the said county and Isle, to be appointed at the General or Quarter Sessions of the peace to be holden for the said county and Isle respectively next after such notice in the manner provided.

IV. That if at any time hereafter the Justices of the Peace for the said Isle shall refuse to make, assess, and levy a rate for defraying any such expenses as aforesaid, (and the nonpayment thereof by the time to be specified in such notice shall be construed to be a refusal to make, assess, and levy such rate,) the Justices of the Peace for the said county and Isle respectively shall, at the respective General or Quarter Sessions which shall be holden in and for the county and in and for the Isle next after such refusal respectively, appoint six Justices of the Peace for the county and for the Isle in manner hereinafter mentioned, that is to say, the Justices of the Peace for the said county shall at such sessions appoint three Justices of the Peace for the said county, and the Justices of the Peace for the said Isle shall at such sessions appoint three Justices of the Peace for the said Isle; which Justices of the Peace so to be respectively appointed as aforesaid are hereby required to meet, at such time as shall be fixed for the purpose by the chairman of such General or Quarter Sessions for the said county, at the gaol for the said county, and of which time of meeting notice in writing shall be given or transmitted by post by the clerk of the peace for the said county to the county Justices so to be appointed, and by the same clerk of the peace to the clerk of the peace for the said Isle, who shall give or transmit the same by post to the Isle Justices so to be appointed; and the Justices of the Peace so to be appointed as aforesaid, or the major part of them then and there assembled (such major part not being less than five in number) shall hold a special Sessions at the said gaol for the purpose of ascertaining and settling whether any and what expenses are chargeable in respect of any of the matters aforesaid on the rates of the said Isle, and the proportion of expenses in respect of any of the said matters which ought to be borne by the said county and Isle respectively; and the clerk of the peace for the

said county shall attend such special Sessions, and keep a record of the proceedings there, which record shall be evidence thereof; and the sum or sums which at any such special Sessions as aforesaid shall be declared to be chargeable on the said Isle under this Act, shall be levied and raised in manner aforesaid.

v. That all Justices of the Peace acting in and for the said Isle of Ely shall from and after the passing of this Act have and possess and may exercise all such and the same rights, privileges, powers, and authorities whatsoever within the said Isle of Ely as any Justice of the Peace acting in and for any county, riding, or division now hath or possesses or may exercise in such county, riding, or division.

vi. That it shall and may be lawful from and after the passing of this Act for any Justice of the Peace acting in and for the said county of Cambridge, and he is hereby authorized, to issue under his hand and seal any warrant or warrants for the apprehension of any person or persons residing or being within the said Isle of Ely, charged on oath before him the said Justice with any felony or misdemeanor committed in the said county of Cambridge, and in like manner for any Justice of the Peace acting in and for the said Isle of Ely, and he is hereby authorized, to issue under his hand and seal any warrant or warrants for the apprehension of any person or persons residing or being within the said county of Cambridge, charged on oath before him the said last-mentioned Justice with any felony or misdemeanor committed in the said Isle of Ely; and the constables or constable or other person to whom any such warrant or warrants shall or may be addressed or directed are and is hereby authorized to apprehend and take any such person or persons so charged on oath as aforesaid (and whose name or names shall be inserted in such warrant or warrants) with any such felony or misdemeanor committed in the said county of Cambridge or in the said Isle of Ely, without indorsement of such warrant or warrants by any Justice of the Peace of the said county of Cambridge or of the said Isle of Ely.

And after noticing that doubts have arisen whether the Isle of Ely is included in enactments made in several statutes respecting counties, ridings, or divisions:—

It is Enacted,

vii. That under such statutes heretofore passed or hereafter to be passed the Isle of Ely shall be deemed and taken to be a division of a county.

And after noticing that the townships of Feliakirk and Sutton-under-Whitestonecliffe, in the parish of Feliakirk and townships of Kilburn and Marton Lordship, in the county of York, are locally situated within the north riding of the said county, and yet for certain purposes are esteemed to be within the liberty of Ripon in the said county, heretofore part of the secular jurisdiction of the Archbishop of York: And that by the said Act of the last session of Parliament it was amongst other things enacted, that all the secular jurisdiction of the said Archbishop of York in the said liberty of Ripon should from and after the passing of the said Act cease and determine, and should become and be transferred to and vested in His said late Majesty, his heirs, and successors: and that the said townships are distant upwards of fourteen miles from Ripon aforesaid, and it is highly expedient that the said townships should be entirely separate and distinct from the said liberty of Ripon:—

It is Enacted,

viii. That from and after the passing of this Act the said townships of Feliakirk and Sutton-under-Whitestonecliffe, and the said townships of Kilburn and Marton Lordship, be absolutely removed and separated out of and from the said liberty of Ripon, and out of and from the jurisdiction thereof, and become parts of the said North Riding, to all intents and purposes whatsoever, and be solely within the jurisdiction of the said North Riding; any custom or usage to the contrary thereof in anywise notwithstanding.

ix. That this Act may be repealed or altered by any other Act in this present session of Parliament.

CAP. LIV.—IRELAND.

AN ACT to provide more effectual Means to make Treasurers of Counties and Counties of Cities in *Ireland* account for Public Monies, and to secure the same.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Accounts of treasurers to be audited by officer appointed by the Lord Lieutenant of Ireland.*
2. *The duty of auditing such accounts may be annexed to any existing office, with the consent of the person holding the same.*
3. *Power to auditor to examine treasurers and summon witnesses.*
4. *Lord Lieutenant to make regulation for auditing accounts and for securing balances.*
5. *If treasurer make default in accounting, sequestration to issue.*
6. *Treasurer to produce Bank receipts for balances.—Proceedings in case of default.*
7. *Balances to vest in treasurer's successor in office in case of death.*
8. *If sheriff neglect to execute a levary he shall be amenable to the Exchequer as a defaulting officer.*
9. *Recognizances to continue in force.*

10. *Treasurer entitled to certificate upon passing first account.*
11. *Treasurer to give security for the due performance of his duties.*
12. *Treasurer may apply to the Court of Chancery for order to invest in government securities a sum equal to his recognisances.*
13. *Accounts to be final, unless upon appeal.*
14. *Balances may be invested in Exchequer bills.*
15. *Treasurer to receive interest due upon Exchequer bills.*
16. *Grand jury to specify portion of interest receivable by treasurer.*
17. *Providing for expenses to be incurred in the execution of this Act.*
18. *Copies of rules and orders to be laid before Parliament.*
19. *Accounts to be kept of produce of fee fund.*
20. *Lord Lieutenant to direct application of grand jury cess in county of Clare.*
21. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to make further provisions for the more effectual audit of the accounts of treasurers of counties and counties of cities and towns in Ireland, and for securing a due application of grand jury cess :—

It is Enacted,

I. That the accounts of the said several treasurers of counties and counties of cities and towns shall, from and after the commencement of this Act, be from time to time audited and declared by such officer as the Lord Lieutenant or other Chief Governor or Governors in Ireland shall from time to time by warrant authorize to audit and declare the same; and the said treasurers shall make out their accounts in such form as the said officer shall direct, and shall transmit the same to him, together with proper vouchers for their receipts and payments, within such time as the Lord Lieutenant in Council shall by such rules and orders as are hereinafter mentioned appoint; and the first account which shall be rendered by each treasurer as aforesaid shall commence with the balance due by him or to him on the last account which he shall have passed according to law before the commencement of this Act: Provided nevertheless, that it shall be lawful for each such officer as aforesaid to inquire, in any case in which he shall deem it necessary so to do, whether any sum or sums for which such treasurer shall have had credit in any account heretofore passed by him as or for any payment or disbursement by him was duly paid or disbursed; and if he shall find that it was not, it shall be lawful for him to charge such treasurer with the amount thereof; and the said officer, after examining each account rendered to him as aforesaid, with the documents annexed thereto, shall settle and declare the same, and shall lodge such account when so settled and declared with the Clerks of Her Majesty's Privy Council in Ireland, who shall transmit one copy thereof to the treasurer whose account it is, and one other copy to the Clerk of the Crown of the county for which he acts; and the said Clerk of the Crown shall cause the same to be printed and published in such manner as shall be directed by such rules and orders as hereinafter mentioned; and from and after the 1st of September 1837, it shall not be necessary for the said treasurers to account to or before any other person or body.

II. That it shall be lawful for the said Lord Lieutenant or other chief Governor or Governors of Ireland to annex the duty of auditing the said accounts to any existing office, by and with the consent of the persons holding the same, and thereupon to regulate such office and any other office or offices which it may be necessary to regulate therewith, provided the person or persons holding the same shall consent thereto, and the future powers and duties of any office so regulated shall be such as shall be assigned to it in and by such regulations as the said Lord Lieutenant or other Chief Governor or Governors shall by warrant signed by him or them make in that behalf, and any provisions or enactments theretofore made touching such office shall thenceforth cease and be repealed, save as to any act or acts theretofore done and any right or rights now enjoyed by virtue of any such provision or enactment: Provided always, that nothing herein contained or which shall be done by virtue hereof shall extend to alter or affect the tenure by which any such office as aforesaid is now holden, or any salary, fees, or emoluments now appertaining thereto, or any right now vested in Her Majesty to grant any annuity to any person upon his resigning the same.

III. That it shall be lawful for the said officer to call before him and examine each treasurer upon the matter of his account, and also any other person whom he may deem it necessary to examine on the matter thereof, the expence of the attendance of such treasurer or other person being defrayed out of the funds hereinafter mentioned, to the extent that shall be approved of by the said officer and not otherwise; and it shall be lawful for him to examine such treasurer or other person upon oath; or if such treasurer or other person shall refuse to be sworn, or if such officer shall think fit for any other reason so to do, it shall be lawful for him to require such treasurer or other person to make and subscribe a declaration in writing of the truth of what he shall state upon any such examination; and if any such treasurer or other person shall wilfully give false testimony before the said officer, or wilfully make and subscribe a false declaration, he shall on being convicted thereof suffer the pains and penalties of perjury; and it shall be lawful for such officer to compel the attendance of any witness before him by a subpoena ad testificandum or a subpoena duces tecum, and which subpoena shall be issued by the Secondary of the Court of Exchequer by his direction; and any person omitting to obey such subpoena shall be deemed guilty of a contempt of the said Court, and, upon complaint by or on behalf of Her Majesty's Attorney General, shall be punishable in the said court accordingly.

IV. That it shall be lawful for the said Lord Lieutenant of Ireland in Council to make such rules or regulations as to the said Lord Lieutenant in Council shall seem fit for regulating the audit of the said accounts, and for causing each treasurer to open a public account with the Bank of Ireland or such bank as the grand jury of the respective counties shall appoint, and for causing any balance which shall be from time to time found due by him to be paid into the said Bank by him to the credit of the said account; and for restricting all collectors of grand jury cess from making any payments to him otherwise than by lodging such monies as shall be from time to time in their hands respectively in such Bank to the credit of his said account, and for causing all monies which shall be raised by virtue of any sequestration or *levari facias* which may be issued against him

as hereinafter mentioned to be also paid into such Bank to the credit of his said account, and also for regulating the manner in which any monies which shall be from time to time standing to the credit of such account shall be drawn out by him, so as to provide that each payment to be made by him, where the sum shall exceed 10*l.*, shall be paid by a draft on the said Bank in favour of the person entitled to receive the same, and that each draft shall be so countersigned, and shall contain such specification of the purposes for which the same shall be drawn as to the said Lord Lieutenant in Council shall seem expedient, and so as also to provide that no treasurer shall be authorized to draw any money out of the said Bank unless by a draft in favour of a person entitled to receive the amount thereof under some grand jury presentment, or by some order made upon such treasurer according to law, and which shall be countersigned as aforesaid, save by and with the express authority of such officer as aforesaid, and which authority it shall be lawful only for him to give for the purpose of enabling such treasurer to pay to himself any balance which may be due to him on any account which shall be settled and declared as aforesaid, for the purpose of enabling such treasurer to have from time to time in his hands sufficient money for the discharge of demands not exceeding each the sum of 10*l.*

v. That if any such treasurer shall neglect to render such accounts and vouchers as aforesaid, or to attend and be examined before such officer as aforesaid, when his attendance shall be required before him, it shall be lawful for the said officer to certify his default to the Secondary of Her Majesty's Court of Exchequer in Ireland, who shall thereupon issue Her Majesty's writ of sequestration against such treasurer; and the same shall not be discharged until the said treasurer shall have duly accounted and paid his balance, pursuant to such rules and orders as aforesaid; and all sums received by the sequestrators in the meantime by virtue of the said sequestration shall, after deducting their fees, be paid by them into the Bank of Ireland to the credit of the said treasurer's account.

vi. That it shall be the duty of every such treasurer as aforesaid to produce or transmit to the officer by whom his account shall have been settled and declared as aforesaid, within such time after the settlement of each account as shall be specified by such rules or orders as aforesaid, the receipt of such Bank as aforesaid for any balance by him payable into the said Bank as aforesaid; and if any such treasurer shall omit so to do, it shall be the duty of the said officer to certify the default of such treasurer to the said Secondary, who shall thereupon issue Her Majesty's writ of *levari facias* against such treasurer for recovering the amount of such balance with costs, and with interest on such balance at the rate of 6*l.* per centum per annum until the same shall be levied; and the sum levied under such writ of *levari facias* as aforesaid shall be paid into the said Bank to the credit of such account as aforesaid, and the sheriff or sheriffs to whom the same shall be directed shall make a return thereof to the said officer, within such time as shall be specified by such rules and orders as aforesaid.

vii. That upon the death, removal, or resignation of any such treasurer as aforesaid, the balance at such Bank as aforesaid to the credit of such treasurer shall vest in his successor, and shall not be deemed the property of such late treasurer, or be in any manner subject to his controul, or that of his personal representative.

viii. That if any sheriff or sheriffs shall neglect duly to execute any *levari facias* or warrant which shall be issued to him or them as aforesaid, or to pay the sum levied thereupon as hereby directed, such sheriff or sheriffs shall be amenable for his neglect to the said Court of Exchequer, and the said Court may deal with him as with a defaulting officer of the said Court; and it shall be the duty of Her Majesty's Attorney General, upon having the neglect of such sheriff certified to him in such manner as shall be prescribed by such rules and orders as aforesaid, to proceed against such sheriff or sheriffs in the said court as the exigency of the case shall require.

ix. That all bonds or recognizances heretofore entered into, and all investments in government funds or securities heretofore made for securing the due performance of the duties appertaining to such treasurers and collectors as aforesaid, shall continue in full force and be deemed and taken to be conditioned or made for the due performance of all duties appertaining to such officers respectively under or by virtue of the provisions of this Act.

x. Provided always, That so soon as any such treasurer as aforesaid shall have passed his first account before such officer as aforesaid, and shall have paid the balance due by him thereupon into such Bank as aforesaid, and shall have entered into such new security as hereinafter mentioned, it shall be lawful for such officer as aforesaid and he is hereby required to give to such treasurer a certificate thereof, whereupon the recognizances theretofore entered into by himself and his sureties shall be vacated or discharged, or the funds or securities which shall have been substituted for such recognizances shall be transferred to him, upon his applying to the Court of Chancery in Ireland by motion for that purpose.

xi. That it shall be lawful for the said Lord Lieutenant in Council to direct that every such treasurer as aforesaid shall enter into such new security for the due performance of his duties, by himself and two or more sureties, by recognizance in the Court of Exchequer, to such amount as the said Lord Lieutenant in Council shall approve, or in lieu thereof shall make such investment in government stocks or securities as is now authorized by an Act, 4 Geo. 4. c. 33, intituled, 'An Act to make more effectual Regulations for the Election, and to secure the due Performance of the Duties, of County Treasurers in Ireland.'

xii. That in every case where the treasurer of a county has not heretofore invested money in government funds or securities, under the provisions of said recited Act, as a substitute for the recognizances of himself and sureties, and where such treasurer shall be desirous to have the recognizances of himself and his sureties discharged, it shall be lawful for such treasurer, after the passing of this Act, to apply to the Court of Chancery by motion, upon notice to the Attorney General, and to obtain an order that the said treasurer shall be at liberty to invest in government securities or funds, in the manner prescribed by said recited Act, such sum of money as shall be equal to the sum secured by the recognizances of such treasurer and his sureties; and upon the said treasurer investing such sum as shall be thereupon ordered by the said Court, and upon his producing a copy of said order, and a certificate from the Accountant General of said court that the said treasurer has made such lodgment, the recognizances of said treasurer and of his sureties shall be discharged by the proper officer of the Court of Exchequer: Provided nevertheless, that it shall be lawful for such treasurer, having made such investment at any time afterwards, to proceed to have the funds and securities so invested re-transferred to him in like manner as he would be enabled by this Act to proceed to have same re-transferred to him if they had been originally invested in lieu of the recognizances of himself and his sureties under the provisions of said recited Act.

XIII. That the settlement and declaration of each treasurer's account as aforesaid shall be final and conclusive, unless the treasurer whose account it is, or such person or persons on behalf of the county to which it relates as shall be authorized by the said rules and orders so to do, shall present a petition to the said Lord Lieutenant in Council, within such time as shall be prescribed in and by the said rules and orders, praying that the same may be altered in such particulars as shall be stated in such petition; and it shall be lawful for the said Lord Lieutenant in Council to make such order thereupon as shall be just; and the account, as declared and settled as aforesaid, shall be affirmed or altered as the said Lord Lieutenant in Council shall in and by such order direct; and such order shall be final and conclusive to all intents and purposes whatsoever.

XIV. That it shall be lawful for such officer as aforesaid and he is hereby required to cause any balance which shall be at any time standing in bank as aforesaid to the credit of any such treasurer's account as aforesaid to be laid out in the purchase of Exchequer bills; and such bills shall be deposited in such place as the Lord Lieutenant in Council shall by the aforesaid rules and regulations direct, and shall be from time to time sold as occasion shall require, and the produce thereof, together with the interest accruing thereon, shall be placed to the credit of the said account; and every such bank as aforesaid is hereby required to give to the said officer any information which he may from time to time require from them touching any such treasurer's account as aforesaid.

XV. Provided, that every such treasurer as aforesaid who is now in office, and no other, shall have and receive, out of the interest which shall become due and payable upon the Exchequer bills purchased by the monies due on foot of his account, such sum as shall be equal annually to one half the amount of the salary heretofore appertaining to his office in case such interest shall amount thereto; and if not, that he shall be entitled to have and receive the amount of such interest, whatever the same may be.

XVI. That in case it shall appear to the grand jury of any county, county of a city or town, that the present treasurer ought to receive out of the interest of said Exchequer bills a larger amount than one half of his present salary, it shall and may be lawful for such grand jury to pass a resolution specifying the amount of the sum which it shall appear to them such treasurer ought to receive out of such interest; and upon such resolution being approved of by the Lord Lieutenant or other Chief Governor or Governors of Ireland, such treasurer shall receive such sum out of said interest if the same shall be sufficient for that purpose.

And, in order to provide for the expenses which may be incurred in the execution of this Act,—

It is Enacted,

XVII. That it shall be lawful for the said Lord Lieutenant of Ireland in Council, in and by such rules and orders as aforesaid, to direct that a fee, not exceeding five shillings on every hundred pounds to which the debit side of any such treasurer's account as aforesaid shall amount, shall be paid by such treasurer in the same manner as any other presentment; and the fees so payable shall be received and accounted for in such manner as the said Lord Lieutenant in Council shall by such rules and orders as aforesaid direct; and the same shall constitute a fee fund, which it shall be lawful for the said Lord Lieutenant in Council to charge with the payment of any salary or disbursement which the said Lord Lieutenant in Council shall deem necessary for the purposes of this Act; and the amount of such fee as aforesaid shall be levied off each county by grand jury presentment.

XVIII. That copies of all such rules and orders as aforesaid shall be laid before both Houses of Parliament within ten days after the same shall have been promulgated, if they shall be then sitting, and if not, within ten days after they shall next meet.

XIX. That accounts shall be kept of the produce of the said fee fund, and of all charges thereupon, and payments made thereon; and copies thereof shall be annually laid before Parliament.

And after reciting that immediately before the assizes holden for the county of Clare in the month of July of the present year the Lords Justices of Ireland directed the collectors of the grand jury cess in said county not to pay to the treasurer of said county the sums levied by them and payable by them at said assizes;—

It is Enacted,

XX. That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to give directions that the said sums so levied by the said collectors, and which have not been paid to said treasurer, shall be applied to discharge the several demands to which the same would have been applicable in the hands of said treasurer if the same had been paid to him; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to make such orders respecting said sums as he or they shall deem expedient, in order to cause said sums to be applied as aforesaid; and the said several collectors and all other persons concerned are hereby commanded to obey and give effect to such orders.

XXI. That this Act may be varied or altered during the present session of Parliament.

CAP. LV.

AN ACT for better regulating the Fees payable to Sheriffs upon the Execution of Civil Process. (15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Part of 42 Ed. 3. c. 9; the Act 1 Hen. 5. c. 4; and part of 23 Hen. 6. c. 9, repealed.
2. Sheriffs to take only such fees as are allowed by taxing officer of courts of law at Westminster.

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3. *To prevent officers taking fees not allowed or greater fees than are allowed ;—and other persons from taking any fees.*
4. *Court may award costs.*
5. *Fees to the Sheriffs of Lancashire and Durham.*
6. *Act may be altered this session.*

By this Act,

After reciting that it is expedient to amend the laws relating to the fees payable to sheriffs, under sheriffs, deputy sheriffs, sheriffs agents, bailiffs, and others the officers or ministers of sheriffs in England and Wales, and to give the courts of record at Westminster Hall a due controul over such fees ; and also to provide a summary remedy against such officers and others as shall extort or receive other or greater fees than by law they shall be entitled to : And that divers enactments touching the said officers, contained in certain ancient statutes, have become inconvenient, and ought to be repealed :—

It is Enacted,

- I. That so much of an Act, 42 Ed. 3. c. 9, intituled, 'Estreats shall be shewed to the Party indebted, and that which is paid shall be totted: no Sheriff, et cætera, shall continue in Office above a Year,' as relates to the time during which under sheriffs and sheriffs clerks may abide in their respective offices; also an Act, 1 Hen. 5. c. 4, intituled, 'Sheriffs Bailiffs shall not be in the same Office in Three Years after: Sheriffs Officers shall not be Attornies;' and also so much of an Act, 23 Hen. 6. c. 9, intituled, 'No Sheriff shall let to farm his County or any Bailiwick: the Sheriffs and Bailiffs Fees and Duties in many Cases,' as relates to the fees to be taken by sheriffs, under sheriffs, sheriffs clerks, and other officers and ministers of sheriffs, be and the same and are hereby repealed.
- II. That from and after the passing of this Act it shall be lawful for sheriffs, or their officers concerned in the execution of process directed to sheriffs, to demand, take, and receive such fees, and no more, as shall from time to time be allowed by any officer of the several courts of law at Westminster charged with the duty of taxing costs in such courts, under the sanction and authority of the Judges of the said courts respectively.
- III. That any sheriff, officer, or minister acting in the execution of process directed to any sheriff or sheriffs, or engaged or concerned therein, who shall extort, demand, take, accept, or receive from any person or persons any fee or fees, gratuity, or reward not allowed as aforesaid, or greater in amount than as allowed as aforesaid, such sheriff, or other his officer or minister, upon complaint thereof made against him to any of the said courts, and on proof being made thereof upon oath, either by the examination of witnesses *videlicet* or on affidavits, or on interrogatories, to the satisfaction of the Court to which the said complaint shall be made, that such sheriff, officer, or minister, as the case may be, hath offended therein as aforesaid, then and in such case every such sheriff, officer, or minister, as the case may be, shall be adjudged guilty of a contempt of such Court, and punished by such Court accordingly; and if any person, not being such officer or minister as aforesaid, shall assume or pretend to act as such, and shall extort, demand, take, accept, or receive any fee or fees, gratuity, or reward under colour or pretext of such office, he shall, on like complaint and proof, be in that respect dealt with by the Court in like manner.
- IV. That in all cases of summary complaints as aforesaid the Court before which such complaint shall be preferred may at its discretion award the costs of or occasioned by such complaint to be paid by either party to the other; such costs to be taxed by the Master of such court: Provided always, that no such complaint shall be entered unless made before the last day of term next following the act whereof complaint is made.
- V. That from and after the passing of this Act the sheriffs of Lancashire and Durham, and their officers, shall have and be entitled to the like fees, and no more, upon process issuing out of the Court of Common Pleas at Lancaster and out of the Court of Pleas at Durham respectively as from time to time shall be allowed under the authority of this Act to sheriffs upon process issuing from the superior courts at Westminster; and that the said Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, or any Judge thereof respectively, being also Judge of one of the superior courts at Westminster, shall have the same powers in every particular, with respect to offences against this Act upon process issuing out of the said Court of Common Pleas at Lancaster and Court of Pleas at Durham respectively, as are hereinbefore given to the courts at Westminster respectively in respect of process issuing from those courts.
- VI. That this Act may be amended, altered, or repealed by any Act to be passed in the present session of Parliament.

CAP. LVI.

AN ACT for amending the several Acts for the Regulation of Attornies and Solicitors.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Provisions of former Acts, relating to the admission and enrolment as attornies of Bachelors of Arts or Law at Oxford, Cambridge and Dublin, extended to Bachelors of Arts or Law at the Universities of London and Durham.*
2. *So much of 2 Geo. 2. c. 23. as relates to the fee on admission of attornies, repealed.*
3. *No fees on examination or admission of attornies, except those in Schedule.*
4. *Attornies or solicitors admitted of one court may practise in and recover costs for business transacted in another.*
5. *Act may be altered this session.*

By this ACT,

After reciting that by 1 & 2 Geo. 4. c. 48, which was afterwards amended by 3 Geo. 4. c. 16, provision was made for facilitating the admission of graduates of the Universities of Oxford, Cambridge, and Dublin as attornies and solicitors of the courts of law and equity, in manner and upon the conditions in the said Acts mentioned: And that since the passing of the said recited Acts a body politic and corporate by the name of The University of London has been constituted by the royal charter of His late Majesty King William the Fourth, and an University has been founded and established in connexion with the Cathedral Church of Durham, under the authority of 2 & 3 Will. 4. c. 19: And that since the passing of the said last-mentioned Act a royal charter of incorporation has been granted to the University of Durham; and it is expedient that the provisions of the said first-recited Acts should be extended to graduates of the said Universities of London and Durham:—

It is Enacted,

I. That from and after the passing of this Act all the provisions, regulations, conditions, and restrictions in the said recited Acts or either of them contained for or relating to the admission and enrolment as attornies and solicitors of persons who had taken or shall thereafter take the degree of Bachelor of Arts or Bachelor of Law in any of the Universities of Oxford, Cambridge, and Dublin, shall extend and be applicable to the admission and enrolment as attornies and solicitors of all persons who shall have taken or shall take the degree of Bachelor of Arts or Bachelor of Law either in the said University of London or in the said University of Durham, as fully and effectually as if the said body politic and corporate called The University of London and the said University of Durham had been respectively constituted and founded at the time of the passing of the said Acts, and had been therein named together with the said Universities of Oxford, Cambridge, and Dublin.

And after reciting that by 2 Geo. 2. c. 23, it is enacted, that the Judges of the several courts of common law therein mentioned respectively, or any one or more of them, shall, before they shall admit any person to take the oath therein mentioned, examine and inquire, by such ways and means as they shall think proper, touching his fitness and capacity to act as an attorney; and that the Master of the Rolls, or two of the Masters of the Court of Chancery, shall in like manner, before he or they shall admit any person to take the oath therein mentioned, examine and inquire touching his fitness and capacity to act as a solicitor, and that if the said Judges shall be satisfied that such person is duly qualified to be admitted to act as an attorney, and the said Master of the Rolls or two Masters in Chancery shall be satisfied that such person is duly qualified to be admitted to act as a solicitor, they are thereby respectively authorized to administer to such person the oath therein mentioned, and to admit and enrol him as an attorney or solicitor of such Court respectively, without any fee or reward, other than 1s. for administering such oath: And that other fees, gratuities, and sums of money beside the said fee of 1s. have been in practice demanded or received by officers of the said courts respectively; and it is expedient to repeal so much of the said last recited Act as relates to the fee payable upon such admission, and to make other regulations in lieu thereof: And that regulations for ensuring the due examination of persons to be admitted and enrolled as attornies or solicitors of the said courts of common law and equity have been made or approved by the Judges of the said courts respectively; and it is expedient that reasonable and certain fees, in lieu of those now demanded and received as aforesaid, should be paid by the persons so to be admitted upon and for such examination and admission, and the expenses incident thereto:—

It is Enacted,

II. That from and after the passing of this Act so much of the said last-recited Act, 2 Geo. 2. c. 23. as relates to the fee payable upon such admissions shall be and the same is hereby repealed.

III. That from and after the passing of this Act no fees, gratuities, or sums of money whatsoever, other than the fees or sums of money mentioned in the Schedule to this Act annexed, shall be demanded or received by any person or persons upon the examination or admission of attornies or solicitors in any of the said courts respectively, upon any pretence whatsoever.

IV. That any person who shall have been duly admitted an attorney in any one of Her Majesty's courts of law at Westminster shall be at liberty to practise in any other of Her Majesty's courts of law at Westminster, although he may not have been admitted an attorney thereof; and that no person, having been duly admitted an attorney or solicitor in any of Her Majesty's courts of law or equity at Westminster, shall be prevented from recovering or receiving the amount of any costs which would otherwise have been due to him by reason of his not being admitted an attorney or solicitor of the court in which such costs shall have been incurred: Provided always, that any attorney or solicitor practising in any court of law or equity shall be subject to the jurisdiction of such court, as fully and completely, to all intents and purposes whatever, as if he had been duly admitted an attorney or solicitor of such court.

V. That this Act may be amended, altered, or repealed during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

FEES to be paid on the EXAMINATION and ADMISSION of ATTORNIES in the COURTS of COMMON LAW.

| | £. | s. | d. |
|--|----|----|----|
| On leaving Articles of Clerkship and Assignments for Inspection and Inquiry as to due Service | 0 | 5 | 0 |
| On the Examination into the Fitness and Capacity of the Clerk, and for the Certificate thereof | 0 | 15 | 6 |
| For the Judge's Fiat | 0 | 10 | 6 |
| For the Oath in Court | 0 | 1 | 0 |
| To the Usher on signing the Roll | 0 | 5 | 0 |
| To the Master's Clerk for Certificate of Enrolment | 0 | 5 | 0 |

} in each Court {

FEES to be paid on the EXAMINATION and ADMISSION of SOLICITORS in CHANCERY.

| | £. | s. | d. |
|--|----|----|----|
| On leaving Articles of Clerkship and Assignments for Inspection and Inquiry as to due Service | 0 | 5 | 0 |
| On the Examination into the Fitness and Capacity of the Clerk, and for the Certificate thereof | 0 | 15 | 6 |
| For the Admission at the Rolls, including the Fees of the Clerk of the Petty Bag Office, Usher, &c. .. | 1 | 17 | 0 |

CAP. LVII.

AN ACT to impose certain Duties of Excise on Sugar made from Beet Root in the United Kingdom.
(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Sugar manufactured from beet root to pay a duty of 1*l.* 4*s.* per cwt.
2. Duties to be under the management of the Commissioners of Excise.
3. Manufacturers of beet root sugar to make entry of their premises.
4. Premises to be marked.
5. Officers of Excise may enter sugar-houses, and take account of sugar-juice, syrup, &c.
6. Syrup-cistern, &c. to be gauged; not to be made use of until gauged and tabled.
7. Size or position of any vessel not to be altered after having been gauged and tabled, except on notice.
8. Notice to be given of every grinding or mashing of beet root to be made into sugar.
9. When juice or syrup is collected in the syrup-pan, a declaration of the quantity and gravity to be given to the officer who is to attend and take an account of it.
10. Officer may take samples from the syrup cistern, and the gravity of such samples to be deemed the gravity of the whole contents of the cistern.
11. The juice or syrup, after the quantity and gravity shall have been ascertained, to be run off to the sugar-pan, and kept separate during the process of manufacture until charged.
12. When the manufacture of sugar is completed, notice to be given of the time when it will be ready to be weighed.
13. Mode of charging the duty:—First, from the gravity of the syrup;
14. Second, by the weight of the sugar produced.
15. Officer of Excise to make out a return of the duty every six weeks, and charge the maker by whichever mode will produce the highest amount of duty.
16. Any saccharometer prescribed by the Commissioners of Excise may be used for ascertaining the gravity of the syrup.
17. Makers of sugar to keep scales and weights, and permit the officers of Excise to use them.—Penalty for neglect, 100*l.*;—for using false scales, or weights, &c. 300*l.*
18. Maker of sugar to assist with his servants in weighing.
19. Sugar not charged to be kept separate from that which has been.
20. Penalty on evading the duty.
21. Provisions of 7 & 8 Geo. 4. c. 53, and 4 & 5 Will. 4. c. 51. to extend to this Act.
22. Commencement of Act.
20. Act may be altered this session.

By this ACT,

After reciting that it is expedient to impose certain duties of Excise on sugar made or manufactured from beet root in the United Kingdom:—

It is Enacted,

I. That from and after the commencement of this Act there shall be charged, raised, levied, collected, and paid on every hundred weight of sugar manufactured in the United Kingdom from beet root, and so in proportion for any greater or lesser quantity than a hundred weight, a duty of 1*l.* 4*s.*

II. That the said duties by this Act imposed shall be under the management of the Commissioners of Excise, and shall be charged, raised, levied, collected, paid, and recovered and accounted for under the authority of this Act, and in such and the like manner, and in and by any of the general or special means, ways, or methods, and under and subject to the like pains, penalties, and forfeitures, by which any other duties of Excise are or may be charged, raised, levied, collected, paid, recovered, and accounted for; and all the monies arising by the duties by this Act imposed and made payable as aforesaid, the necessary charges of raising, recovering, and accounting for the same excepted, shall from time to time be paid into the receipt of Her Majesty's Exchequer at Westminster, and shall be carried to and made part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

III. That every maker or manufacturer of sugar from beet root shall, before he shall commence to make or manufacture any sugar, or to prepare any materials for the making or manufacturing of any sugar, make a true and particular entry in writing of all and every cylinder or mill, press, vat, copper, cistern, pan, and other vessel or utensil, sugar-house, warehouse, store-room, and place intended to be made use of by him for the making or keeping any sugar, or the preparing any materials for making the same, by delivering such entry to the proper officer of Excise authorized to receive the same; and in every such entry every sugar-house, warehouse, store-room, and place, cylinder or mill, press, vat, copper, cistern, pan, and other vessel or utensil,

shall be distinguished by a particular number or letter, or number and letter or letters, and the respective purpose for which the same is to be used shall be specified and described; and every such entry shall also set forth the name and place of abode of the person or persons making the same, and the place where his or their premises or sugar-house shall be situated, and shall be signed by such maker or makers; and in default of making such entry, such maker shall for every unentered sugar-house, warehouse, store-room, or place, cylinder or mill, press, vat, copper, cistern, pan, or other vessel or utensil, forfeit £100., together with all sugar-juice, syrup, materials, and goods therein.

iv. That every maker or manufacturer of sugar from beet root shall mark and number and at all times keep marked and numbered, every sugar-house, warehouse, store-room, and place, cylinder or mill, press, vat, copper, cistern, pan, and other vessel and utensil by him made use of for the making or manufacturing or keeping of such sugar with distinguishing numbers or letters, or numbers and letters, denoting the purpose for which each is respectively used, and corresponding to the description thereof in the entry; and every sugar-house, warehouse, store-room, and place, cylinder or mill, press, vat, copper, cistern, pan, and other vessel and utensil which shall not be so marked or numbered, or which shall not correspond with the description in the entry, or the use whereof shall not be described and specified in the entry, shall be deemed and taken to be unentered.

v. That it shall be lawful for any officer of Excise at all times, by day or by night, upon his request, to enter into every sugar-house, warehouse, store-room, or other place whatsoever entered or made use of by any maker or manufacturer of sugar from beet root for the making or manufacturing or keeping of such sugar, and to inspect and examine the same, and all sugar-juice, syrup, liquor, and materials making into sugar, and from time to time to examine, weigh, and take an account of all sugar, and to gauge or otherwise take an account of the capacity or content of each and every vat, copper, cistern, pan, or other vessel directed to be gauged or the capacity thereof ascertained by this Act, or by any order of the Commissioners of Excise, and also to examine, gauge, and take an account of all the juice, syrup, liquor, or material making into sugar in every such vat, copper, cistern, pan, or other vessel or utensil; and every maker or manufacturer of sugar from beet root into whose sugar-house or premises aforesaid any officer of Excise shall on his request be prevented or hindered from entering, or having entered shall be hindered or prevented from doing any such Act as aforesaid, shall forfeit £100.

vi. That no maker or manufacturer of sugar from beet root shall make use of any syrup-cistern, or any vat, copper, pan, or other vessel or utensil directed by the Commissioners of Excise to be gauged and the dimensions thereof ascertained, before the same shall have been gauged and tabled by the supervisor or other proper officer of Excise, on pain of forfeiting £10. for every day the same shall be so used.

vii. That no such maker or manufacturer of sugar from beet root shall in any manner alter, or suffer to be altered, the size, position, or level of any syrup-cistern, or any vat, copper, pan, or other vessel or utensil, directed to be gauged and tabled, at any time after the supervisor or proper officer of Excise shall have gauged and ascertained the capacity or content thereof, except on notice in writing to the officer of Excise of the intended alteration, on pain of forfeiting £100.

viii. That every such maker or manufacturer of sugar shall from time to time, at least four hours before he shall begin to rasp, grind, or mash any beet root for the making of sugar, deliver to the proper officer of Excise a notice in writing, in which shall be set forth the day and hour when such rasping, grinding, or mashing is to be commenced, on pain of forfeiting £100. for every omission to give such notice.

ix. That every such maker or manufacturer of sugar shall from time to time, when and as often as any juice or syrup shall be clarified and run into and collected in the syrup-cistern, immediately and without delay deliver to the proper officer of Excise a declaration in writing specifying the particular syrup-cistern, if there shall be more than one in the house in which such juice or syrup shall be contained, and setting forth the quantity of such juice or syrup, and the particular gravity thereof; and thereupon the officer of Excise shall attend and take an account of the quantity and gravity of such juice or syrup; and no part of such juice or syrup shall be drawn off or removed from the syrup-cistern for the space of two hours after such declaration shall have been delivered, unless the proper officer of Excise shall have previously taken an account of the quantity and gravity thereof; and every such maker or manufacturer of sugar in whose sugar house any juice or syrup shall be drawn off or removed from the syrup-cistern without such declaration as aforesaid having been delivered, or before the expiration of two hours after such declaration having been delivered (except as aforesaid) or by whom or on whose behalf any untrue declaration of the quantity or gravity of the juice or syrup in the syrup-cistern shall be delivered, shall forfeit £100.

x. That it shall be lawful for any officer of Excise from time to time, and whenever and as often as he shall deem it expedient, to take any sample or samples of any juice or syrup in any syrup-cistern in the sugar-house of every such maker or manufacturer of sugar, in order that such officer may ascertain the gravity of such juice or syrup, and from such part of any such syrup-cistern as such officer shall think proper; and the gravity of any such sample so taken shall be and be held to be the true gravity of the whole contents of the syrup-cistern from which any such sample shall be so taken: Provided always, that before any such sample shall be so taken, all the liquor contained in any such syrup-cistern may be stirred and mixed up or mixed together by such maker or manufacturer of sugar, or by any person in his employ if they shall think fit so to do.

xi. That after the officer of Excise shall have ascertained and taken an account of the quantity and gravity of the juice or syrup in the syrup-cistern, or at the expiration of two hours after such declaration as aforesaid shall have been delivered, all such juice or syrup shall be run off from such cistern and removed into the sugar-pan, and continued in the process of being made into sugar; and after such declaration as aforesaid shall have been delivered, no other juice, syrup, or sugar shall be added to or mixed with such juice or syrup in respect of which such declaration shall have been delivered, but the same shall be kept separate and distinct in the process of manufacture, until the sugar, the produce thereof shall have been weighed and charged with duty; and if such juice or syrup shall not be so kept separate and distinct in the process or manufacture, or if any other juice, syrup or sugar shall be added thereto, the maker or manufacturer of sugar shall forfeit £100.

xii. That every such maker or manufacturer of sugar shall, within two days after all the sugar produced from any juice or syrup in respect of which such declaration as aforesaid shall have been delivered, or of which such account shall have been taken in the syrup-cistern, shall be made, and the manufacture thereof completed, give to the officer of Excise under whose survey he shall be a notice in writing specifying the day and hour when such sugar will be ready to be weighed

and charged with duty; and thereupon such officer shall attend and weigh and take an account of all such sugar, and shall charge the same with duty, in the manner herein after mentioned; and if any such maker or manufacturer of sugar shall refuse or neglect to give such notice, or shall remove such sugar, or any part thereof, without having given such notice, or before the officers of Excise shall have weighed and taken an account of the same, he shall forfeit 200*l*.

XIII. That for and in respect of every gallon of juice or syrup which shall be made in the sugar-house of any maker or manufacturer of sugar from beet root, and run into and collected in the syrup-cistern, the officer of Excise shall charge such maker or manufacturer of sugar for a quantity of sugar, in proportion to the gravity of such juice or syrup, as set forth in the declaration thereof, or as ascertained and taken account of by such officer, according to a table to be prepared under the directions of and approved by the Commissioners of Excise for shewing the quantity of sugar contained in any given quantity of juice or syrup, according to the specific gravity thereof, as ascertained by the saccharometer, after making an allowance of fifty per centum on such quantity for molasses, drainage, and wash.

XIV. That whenever any officer of Excise shall weigh and take an account of any sugar made at the sugar-house of any such maker or manufacturer of sugar after the same shall have been manufactured and finished, such officer shall charge the maker or manufacturer of such sugar on the full quantity of sugar which he shall so weigh and take an account of, exclusive of any waste or drainage which may have run therefrom.

XV. That every officer of Excise under whose survey any such maker or manufacturer of sugar shall be, or any other officer who shall be appointed so to do, shall from time to time, at the expiration of every six weeks or at such other times as the Commissioners of Excise shall direct, make out and deliver to the collector of Excise, or to such person or persons as the Commissioners of Excise shall appoint to receive the same, an account or return in writing of the quantity of sugar for which such maker of sugar shall have become chargeable with duty in such preceding six weeks or period, and of the duty payable thereon; and every such officer is hereby required in every such return to charge and such officer shall charge such maker or manufacturer according to whichever of the modes of charging hereinbefore prescribed shall produce the highest amount of duty; and such officer shall also leave a copy of such account or return with such maker or manufacturer, and the account or return of such officer shall be a charge on every such maker or manufacturer of sugar, who shall pay and clear off the duty appearing by such account or return to have become due within six days after such account or return shall have been made, or in default thereof shall forfeit double the amount of such duty.

XVI. That any such saccharometer may be used for ascertaining the gravity of juice or syrup for the charge of duty under the provisions of this Act as shall from time to time be ordered and prescribed by any order of the Commissioners of Excise; and all juice and syrup shall for the purposes of this Act be deemed and taken to be of the gravity at which such saccharometer shall on the application thereof denote or indicate such juice or syrup to be: Provided always, that it shall not be necessary on the trial of any information, action, suit, or other proceeding to produce or give in evidence any such order of the Commissioners of Excise for the use of any such saccharometer.

XVII. That every such maker or manufacturer of sugar shall and he is hereby required to provide and keep in his sugar-house just and sufficient scales and weights, affixed and placed in a proper and convenient place to be approved of by the supervisor or surveyor of Excise; and every such maker or manufacturer shall permit and suffer any officer of Excise to use the said scales and weights for the purpose of weighing and taking an account of all the sugar which shall be at any time in the possession of any such maker or manufacturer; and every such maker or manufacturer of sugar who shall neglect to keep such scales and weights so affixed and placed as aforesaid, or who shall not permit or suffer any officer of Excise to use the same, shall forfeit 100*l*.; and every such maker or manufacturer who shall in the weighing of any sugar make use of, or procure or suffer to be made use of, any false or unjust or insufficient scales or weights, or who shall make use of any force or violence, or practise any art, device, or contrivance, by which any officer of Excise may be hindered or prevented or deceived in taking the true account or weight of any sugar, or charging the true amount of duty thereon, shall forfeit 300*l*., together with all the sugar weighed or produced to be weighed at the time of such offence, and all such unjust or insufficient scales or weights.

XVIII. That every such maker or manufacturer of sugar shall, when and as often as he shall be thereto required by any officer of Excise, aid and assist the officers of Excise with a sufficient number of his workmen or servants in weighing and taking an account of all sugar in the possession of such maker or manufacturer required to be weighed under the provisions of this Act, on pain of forfeiting for every refusal or neglect 100*l*.

XIX. That every such maker or manufacturer of sugar shall at all times keep all sugar which shall not have been charged with duty separate and apart from all sugar which shall have been so weighed and charged, on pain of forfeiting 100*l*.

XX. That every such maker or manufacturer of sugar who shall hide or conceal, or cause to be hidden or concealed, or shall remove, or convey away or deposit, or cause to be removed, or conveyed away from, or deposited in any place, any sugar, or any juice or syrup, to evade the duties chargeable thereon, or any part of such duties or before the full duties shall have been charged thereon, shall, over and above every other penalty to which he may in so doing become subject, forfeit 500*l*.

XXI. That all the powers, provisions, clauses, and enactments, pains, penalties, and forfeitures contained in an Act, 7 & 8 Geo. 4 c. 53, intituled, 'An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout Great Britain and Ireland,' and of an Act, 4 & 5 Will. 4. c. 51, intituled, 'An Act to amend the Laws relating to the Collection and Management of the Revenue of Excise,' shall, except when otherwise hereby provided for, extend to and be applied to this Act, and to the duties hereby granted, and penalties and forfeitures hereby imposed.

XXII. That this Act shall commence and take effect from and after the passing thereof.

XXIII. That this Act may be altered, amended, or repealed by any Act to be passed in this present session of Parliament.

CAP. LVIII.—IRELAND.

AN ACT to revive and continue, until the Sixth Day of *April* One thousand eight hundred and thirty-eight, an Act of the last Session of Parliament, for suspending Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in Ireland.

(15th July 1837.)

CAP. LIX.

AN ACT to postpone until the First Day of January One thousand eight hundred and thirty-nine the Repayment of certain Sums advanced by the Bank of *Ireland* for the Public Service.

(15th July 1837.)

By this Act,

The repayment of the sums of 500,000*l.*, and 1,250,000*l.*, advanced by the Bank of Ireland for the public service pursuant to 1 & 2 Geo. 4. c. 72, and 3 Geo. 4. c. 26, is postponed until the 1st of January 1839, instead of the 1st of January 1838, as directed by the said Acts; and all powers, provisions, matters, and things in the said Acts contained relating to the said sums and to the said day, are extended to the day hereby appointed for the repayment of the said sums in the same manner as if the 1st of January 1839 had been originally named in the said recited Acts.

CAP. LX.

AN ACT for correcting mistaken References to His late Majesty in Acts of this Session of Parliament.

(15th July 1837.)

By this Act,

After reciting that several Acts were agreed upon by the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, during the reign of his late Majesty King William the Fourth, of blessed memory, which had not received the Royal Assent at the time of the demise of his late Majesty; and that several other Acts and Bills which were first moved during the reign of His late Majesty are yet under the consideration of Parliament: And that in some of the said Acts and Bills are recitals, references, and enactments which in words refer to His Majesty and to Acts of His Majesty's reign, which recitals, references, and enactments were proper at the time when the said Acts and Bills were first moved, but have become incorrect by reason of the accession of our sovereign lady Victoria, the Queen that now is: and that it is expedient to guard against any doubt which may therefrom arise:—

It is Enacted,

That every Act of this present session of Parliament which shall have received the Royal Assent subsequent to the demise of His late Majesty, and in which any Act of Parliament passed in the reign of His late Majesty shall be referred to, either by way of recital, reference, enactment, or otherwise, as if His Majesty still continued to reign, shall be taken to refer to every such last-mentioned Act of Parliament correctly as of the reign of his late Majesty, and that no such incorrect or mistaken reference as is hereinbefore recited shall in anywise impeach or affect any Act of Parliament passed or to be passed in this present session of Parliament, or any clause or provision thereof.

CAP. LXI.

AN ACT to extend an Exemption granted by an Act of the last Session of Parliament from the Duties of Assessed Taxes, in respect of certain Carriages with less than Four Wheels, and to amend the Laws relating to the said Duties.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Exemption granted by 6 & 7 Will. 4. c. 65. extended to two-wheel carriages, having certain particulars painted thereon in letters one inch in height.
2. Carriages need not be described in the accounts and returns of coachmakers and others, otherwise than by the number of wheels thereof.
3. For removing doubts as to the mode of proceeding against defaulters for the recovery of arrears of assessed taxes.

By this Act,

After reciting that by several Acts passed respectively in the 43, 48, and 52 Geo. 3. certain duties of assessed taxes were granted and made payable in respect of carriages with less than four wheels, and by the same Acts respectively certain lower rates of the said duties were made payable in respect of certain inferior descriptions of such carriages called "taxed carts," provided the owner's christian and surname and place of abode, and other particulars in the said Acts respectively mentioned, should be painted on such carriages in the manner therein mentioned in words at full length, each of the letters thereof being at least one inch in length and of a breadth in proportion: And that by an Act, 4 Geo. 4, the said carriages called "taxed carts," having such particulars so painted thereon as aforesaid, were wholly exempted from the said duties: And that by an Act, 3 & 4 Will. 4, the duties of assessed taxes were repealed in respect of certain other inferior carriages with less than four wheels, provided such carriages were built and constructed in the manner specified in the said last-mentioned Act, and provided that every such carriage shall have the christian and surname or names and places of abode, occupation or calling of the owner or owners marked or painted thereon in roman characters, and in words at length, each of the letters being at least one inch in height, and of a proper and proportionate breadth: And that by an Act, 6 & 7 Will. 4. c. 65, a further exemption was granted from the said duties of assessed taxes in respect of certain other carriages with less than four wheels, provided, amongst other things, that every such carriage respectively should have the christian name and surname, and place of abode, and occupation or calling of the owner and of every owner thereof, painted in words at length, and in legible and conspicuous roman letters or characters, two inches at the least in height, and of a proper and proportionate breadth, upon the outside of such carriage, in manner in the said last-recited Act mentioned; and that it is expedient to allow the said last-mentioned exemption in cases where such letters or characters so painted as aforesaid shall be of a less height than two inches, provided the same shall be of the height of one inch at the least:—

It is Enacted,

I. That upon all assessments made or to be made for any year commencing from or at any time after the 5th of April 1837 the said last-mentioned exemption shall extend to every such carriage in that behalf mentioned and described in the said last-recited Act whereon the several particulars in the said last-recited Act specified shall be painted, in the manner therein mentioned, in distinct words at length, and in legible and conspicuous roman letters or characters one inch at the least in height, and of a proper and proportionate breadth.

And after reciting that by the Acts in force relating to the duties of assessed taxes all coachmakers and makers of carriages, and all sellers of carriages by auction or on commission, and all persons letting to hire any carriages, are respectively required to enter in a book an account of all carriages by them respectively built and constructed for sale, or sold or let to hire, containing, amongst other particulars, a description of every such carriage, distinguishing the number of wheels of each; and all such persons as aforesaid are also required to deliver a true copy in writing of every such entry, verified on oath or affirmation, to the assessor or assessors of the parish or place in which they respectively reside, or to the surveyor or inspector of the said duties: And that the describing of such carriages has been found to be attended with difficulty and inconvenience to the persons required to make such entries and to deliver copies thereof as aforesaid; for the relief of such persons,—

It is Enacted,

II. That in any such entry as aforesaid it shall not be necessary to describe any carriage further or otherwise than by stating the number of wheels thereof.

And after reciting that by 43 Geo. 3. c. 161, for repealing the several duties under the management of the Commissioners for the affairs of Taxes, and granting new duties in lieu thereof, and for other purposes therein mentioned, the respective Commissioners of the duties of assessed taxes are thereby required, as soon as the assessment of the said duties shall be made, to issue out and deliver to the respective collectors their warrants for the speedy and effectual levying and collecting the said duties as the same shall become payable as therein mentioned; and it is thereby enacted that such part thereof as cannot be so levied and collected may be recoverable as a debt upon record to the King's Majesty, his heirs and successors, with full costs of suit, and all charges attending the same: And that by 43 Geo. 3. c. 99. it is enacted, that the Commissioners of Taxes shall make out their schedules, containing the sums discharged from assessment for any cause specially allowed by law, and the sums with which each and every defaulter ought to be charged, and the sums which shall not have been collected by occasion of the collector's neglect, and which ought to be re-assessed on the parish, ward, or place, and shall cause the said several particulars to be inserted in a schedule fairly written on parchment, under the hands and seals of such Commissioners, or any two or more of them, containing the names and surnames of the said collectors, and the same to be delivered to the Receiver General, to be returned by such Receiver General into His Majesty's Court of Exchequer, whereupon every person so making default of payment, and each parish, ward, or place so in default, may be charged by process of court, according to the course thereof in that behalf: And that by 5 & 6 Will. 4. c. 20, it is enacted, that all such schedules as aforesaid which shall be made out at any time after the commencement of the said Act shall be delivered over or transmitted by the Receiver General, Receiving Inspector, or other receiver to whom the same shall have been delivered to the Commissioners of Stamps and Taxes, and shall be deposited and remain in the head office of the said last-mentioned Commissioners; and that the production of any schedule so deposited, and purporting to contain the name or names of any such defaulter or defaulters as aforesaid, shall be conclusive evidence against any person named therein as making default of payment, and against every parish, ward, or place named therein as in default of the sum or sums mentioned in any such schedule being due and owing and in arrear and unpaid to His Majesty, his heirs and successors, unless payment thereof shall be proved; and that every such sum shall be recoverable from the person and persons making default of payment thereof as a debt upon record to the King's Majesty, his heirs and successors, with full costs of suit, and all charges attending the same: And that doubts have arisen as to the construction of the said Acts, and it is expedient to amend the same:—

It is Enacted,

III. That all and every the said duties of assessed taxes contained, charged, or assessed in or by any assessment already made or to be at any time hereafter made may be sued or prosecuted for and recovered, with full costs of suit and all charges attending

the same, of and from the person and persons respectively charged therewith, in Her Majesty's Court of Exchequer at Westminster, by information in the name of Her Majesty's Attorney General, as a debt or debts due to the Queen's Majesty, her heirs and successors, or by any other ways or means whereby any debt of record or otherwise due to the Queen's Majesty, her heirs or successors, can or may at any be sued or prosecuted for or recovered, as well as by the summary means specially provided by the said Acts or any of them for levying the said duties; and in any proceeding for the recovery of any of the said duties, the production of any Schedule made or purporting to be made in pursuance of the said Act in that behalf, 43 Geo. 5, and purporting to contain the name or names of any such defaulter or defaulters as aforesaid, shall be sufficient evidence of the sum or sums mentioned in any such Schedule having been duly charged and assessed upon such defaulter or defaulters respectively, and of the same being due and owing, and in arrear and unpaid to Her Majesty, her heirs and successors.

CAP. LXII.

AN ACT to authorize Her Majesty, until Six Months after the Commencement of the next Session of Parliament, to carry into immediate Execution, by Orders in Council, any Treaties, Conventions, or Stipulations made with any Foreign Power or State for the Suppression of the Slave Trade.

(15th July 1837.)

By this ACT,

Her Majesty is empowered by order in council, to direct that treaties for the suppression of the slave trade, concluded with foreign powers during the time that Parliament is not sitting, shall be carried into immediate execution.

CAP. LXIII.

AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Sergeant Majors of the Militia, until the First Day of July One thousand eight hundred and thirty-eight.

(15th July 1837.)

[The provisions of this Act are printed at length in 10 Law J. Stat. p. 201, except that a declaration is substituted in those cases where the former Act requires an oath to be taken, and that s. 33, empowering the Lord Lieutenant of Ireland to order the arms of the militia in Ireland to be deposited in the Ordnance stores in Dublin, is omitted.]

CAP. LXIV.

AN ACT for regulating the Coroners of the County of Durham.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Present coroners to continue.—Election of future coroners.—In case of vacancy.*
2. *Coroners liable to be removed.*
3. *Coroners to be entitled to usual fees and emoluments.*

By this ACT,

After reciting that by 6 & 7 Will. 4. c. 19, the Palatine jurisdiction, power, and authority heretofore vested in and belonging to the Bishop of Durham was separated from the Bishoprick of Durham, and was transferred to and vested in His late Majesty King William the Fourth, his heirs and successors: and that previously to the passing of the said Act the coroners for the said county of Durham were appointed by the said bishop, and it is necessary that provision should be made for the future appointment of the coroners of the said county, and for their due remuneration:—

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It is Enacted,

I. That the present coroners of the four wards, respectively called Easington Ward, Chester Ward, Stockton Ward, and Darlington Ward, in the said county of Durham, shall continue coroners of the same wards respectively during their respective lives, or so long as they shall respectively well behave themselves; and that upon and after the death, removal, or resignation of the coroner either of Easington Ward or of Chester Ward (which two wards form the Northern Division of the said county of Durham) a coroner shall be chosen for each of such wards in the place of the coroner making a vacancy, and so from time to time on every future vacancy of the office of coroner of either of the said wards, the coroner of each of the said wards to be chosen by its own freeholders in like manner as coroners are chosen in the case of other counties or divisions of counties in England; and that after the death, removal, or resignation of the coroner either of Stockton Ward or of Darlington Ward (which two wards form the Southern Division of the said county of Durham) a coroner shall be chosen for each of such last-mentioned wards in the place of the coroner making a vacancy, and so from time to time on every future vacancy of the office of coroner of either the said last-mentioned wards, the coroner of each of such wards to be chosen by its own freeholders in like manner as coroners are chosen in the case of other counties or divisions of counties in England: Provided always, that on every vacancy of the office of coroner in any of the said wards, and until the appointment of another coroner in his place, it shall be lawful for any of the remaining coroners to act as coroner for the ward in which such vacancy may have occurred.

II. That the coroners of the said county of Durham shall be liable to be removed from their respective offices in the same manner as coroners of the other counties in England and Wales.

III. That from and after the passing of this Act the coroners of the said county of Durham shall be entitled to all the same fees and emoluments as the coroners of the other counties in England and Wales; and so much of an Act, 25 Geo. 2. c. 29, intituled, 'An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal of Coroners on lawful Conviction of certain Misdemeanors,' as provides that no coroner of the County Palatine of Durham shall be entitled to any fee, recompence, or benefit given to or provided for coroners by that Act, shall be and the same is hereby repealed.

CAP. LXV.

AN ACT to render valid certain Acts done in the Performance of Duties in the Court of Exchequer in Scotland by the Lord Ordinary on the Bills in the Court of Session, and for the better Regulation of the said Court of Exchequer.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Certain acts done by Lord Ordinary declared valid.*
2. *The Lord Ordinary may in future perform the duties of the Court of Exchequer in certain cases.*
3. *Rights exercised by the Court of Exchequer to be vested in the Treasury.*
4. *Recited Act, 5 & 6 Will. 4. c. 46, made perpetual.*

By this Act,

After reciting the passing of 2 & 3 Will. 4. c. 54, and 5 & 6 Will. 4. c. 46, which Act was continued in force by another Act passed in the last session of Parliament until the 1st of July 1837, and from thence to the end of the then next session of Parliament; and it was by the said second recited Act provided, that during the indisposition or unavoidable absence of the last remaining Baron of Exchequer the duties of the said Court of Exchequer should be performed by the Judge of the Court of Session officiating as Lord Ordinary upon the Bills for the time being: And that the last remaining Baron of Exchequer was in a state of indisposition and unable to attend the said Court of Exchequer for a considerable time previous to and until his death, which happened on the 1st of June last, and during such indisposition the duties of the said Court of Exchequer were performed by the Lord Ordinary on the Bills for the time being: And that certain of such duties were performed by such Lord Ordinary after the death of the said last remaining Baron, and previous to the appointment by his late Majesty of one of the Judges of the Court of Session to perform the duties of the said Court of Exchequer in terms of the said first-recited Act; and doubts are entertained as to the validity of the performance of such duties:—

It is Enacted,

I. That all acts done in the performance of the said duties in the said Court of Exchequer by the said Lord Ordinary on the Bills, after the death of the said last remaining Baron of Exchequer and previous to the appointment by his late Majesty of one of the Judges of the Court of Session to perform such duties, shall be and the same are hereby declared to be as valid and effectual as if the same had been performed by the said last remaining Baron, or during his life and indisposition and unavoidable absence from the said court.

And after noticing that it is expedient to provide a remedy against the like inconvenience in future,—

It is Enacted,

II. That it shall be lawful to the Lord Ordinary on the Bills for the time being to perform the duties of the said Court of Exchequer after the death of the Judge of the Court of Session appointed by his late Majesty, or of any Judge to be hereafter

appointed to perform such duties under the said Act, 2 Will. 4, and until the appointment of another such Judge, in like manner as during the indisposition or unavoidable absence of the Judge so appointed.

III. That all rights and immunities heretofore enjoyed by the said Court of Exchequer or the last remaining Baron thereof, with regard to appointments or offices in the said Court, in so far as the same are not otherwise provided for, shall be vested in and exercised by the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the time being.

IV. That the said recited Act, 5 & 6 Will. 4. c. 46, shall be and the same is hereby made perpetual.

CAP. LXVI.—IRELAND.

AN ACT to extend to *Ireland* the Act of the Fifth and Sixth Years of His late Majesty's Reign consolidating and amending the Laws relating to the cruel and improper Treatment of Animals.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act extended to Ireland.*
2. *Distribution of penalties on convictions under recited Act in Ireland.—Damages to be paid to party injured.*
3. *Name of dispensary, &c. to which a part of any penalty is to be paid to be inserted in the conviction.*

By this ACT,

After reciting the passing of 5 & 6 Will. 4. c. 59, and that the provisions in the said Act contained with respect to the application of penalties incurred for offences thereunder render it doubtful whether convictions for such offences can be had in Ireland; and that it is expedient to amend such provisions so that the operation of the said Act may be extended to that part of the United Kingdom:—

It is Enacted,

1. That the said recited Act shall and the same is hereby declared to extend to Ireland.

II. Provided always, That all pecuniary penalties which shall be recovered before any Justice of the Peace under the provisions of the said Act upon convictions for offences against the provisions of the said Act committed in Ireland shall respectively be divided, paid, and distributed in the following manner; (that is to say,) one moiety thereof to such dispensary, hospital, or infirmary as the Justice before whom the conviction shall have taken place may direct, to be by the treasurer thereof applied in aid of the funds maintaining such institution, and the other moiety thereof, with full costs, to the person who shall inform and prosecute for such offence, or to such other person as to such Justice shall seem fit and proper; and that all and every sum or sums of money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace under the authority of the said Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences therein mentioned shall be paid to the person who shall or may have sustained such damage or injury, according to the order or determination and at the discretion of any such Justice.

III. That in all cases of convictions for offences contrary to this Act committed in Ireland the name of the dispensary, hospital, or infirmary to which the Justice before whom any such conviction may take place may direct one moiety of the penalty to be paid as aforesaid shall be inserted in the form by the said Act prescribed for drawing up convictions under the same instead of the words "Overseers of the poor of the said parish, to be by them applied according to the directions of the statute in that case made and provided" in such form contained.

CAP. LXVII.

AN ACT to amend an Act of the Fifth Year of His Majesty King *George* the Fourth, for consolidating and amending the Laws relative to the Arbitration of Disputes between Masters and Workmen.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Period for making complaints extended.*
2. *Justices having jurisdiction where the party complained against resides to have jurisdiction in the matters of the said Act.*
3. *Interpretation of "Justice."*

By this Act,

After reciting 5 Geo. 4. c. 96, intituled, 'An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen:' And that it is provided by the said Act that all complaints under the same by any workman for any cause, except as to bad materials, shall be made within six days after such cause of complaint shall arise; but the said period of six days has been found too short for the purpose thereby intended:—

It is Enacted,

1. That the same be extended to fourteen days.

And after reciting that it is enacted by the said Act, that various differences under the same shall be subject as therein mentioned to the adjudication of any Justice of the Peace or Magistrate of any county, riding, division, stewardry, barony, city, burgh, town, or place within which the parties reside: And that many cases have arisen where no Justice of the Peace or Magistrate could be found who has jurisdiction where both of the parties differing as aforesaid reside; in consequence whereof it has been doubted whether the above beneficial enactment can in such cases take effect; and for the remedy thereof it is necessary that the jurisdiction and powers which are by the said Act conferred on the Justices or Magistrates of the district where both parties reside shall in future be exercised by the Justices or Magistrates of the district where the party complained against resides;—

It is Enacted,

- II. That in the place of the Justices or Magistrates of the district where both parties reside the Justices or Magistrates of the district where the parties complained against reside shall have the said jurisdiction and powers; and whatever acts and duties are by the said Act required to be done by the first-mentioned Justices or Magistrates, or any one of them, shall be done by the last-mentioned Justices or Magistrates, or by any one of them; and the said Act shall in all respects be construed as if the words "where the party complained against resides" had been originally inserted in the third section of the said Act instead of the words "within which the parties reside."

- III. That wherever the expression "Justice of the Peace" occurs in the said Act it shall be construed to mean "Magistrate."

CAP. LXVIII.

AN ACT to provide for Payment of the Expenses of holding Coroners Inquests.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Schedule to be made of fees payable on holding inquests.*
2. *Coroners to pay medical witnesses.*
3. *Coroners of counties to lay their accounts before the Sessions, and coroners of boroughs to lay them before the town council.—The coroner to be repaid out of the county rates or the borough fund.*
4. *Act applicable to London.*
5. *Act may be altered.*

By this Act,

After reciting that the holding of coroners inquests on dead bodies is attended with divers necessary expenses, for the payment whereof no certain provision is made by law, and such expenses have usually been discharged without any lawful authority for that purpose out of the monies levied for the relief of the poor; and that it is expedient to make adequate legal provision for the payment of such expenses:—

It is Enacted,

1. That the Justices of the Peace for every county, riding, division, or district in England and Wales, in General or Quarter Sessions assembled, shall, at the General or Quarter Sessions of the Peace to be holden next after the passing of this Act, or at some subsequent General or Quarter Sessions, and the town council of every borough having a coroner shall at the quarterly meeting of such council which shall be holden next after the passing of this Act, or at some subsequent quarterly meeting thereof, make or cause to be made a schedule of the several fees, allowances, and disbursements which, on the holding of any inquest on any dead body within such county, riding, division, district, or borough, may be lawfully paid and made by the coroner holding such inquest (other than the fees payable to medical witnesses under and by virtue of an Act, 6 & 7 Will. 4. c. 89, intituled, 'An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests'); and it shall be lawful for such Justices in General or Quarter Sessions assembled, and for such town council at any such quarterly meeting as aforesaid, from time to time to alter and vary such schedule as to such Justices and town council respectively may seem fit; and the said Justices and town council respectively shall cause a copy of every such schedule to be deposited with the clerk of the peace of such county, riding, division, district, or borough, and one other copy thereof to be delivered to every coroner acting in and for such county, riding, division, district, or borough as aforesaid; and whenever any inquest shall be holden on any dead body the coroner holding the same shall immediately after the termination of the proceedings advance and

pay all expenses reasonably incurred in and about the holding thereof, not exceeding the sums set forth in the said schedule, and which sums so advanced and paid shall be repaid to the said coroner in manner hereinafter mentioned: Provided always, that until such schedule as aforesaid shall have been made, the coroner shall advance and pay, at his discretion, all reasonable expenses of holding every inquest within the limits of his jurisdiction, and shall be repaid the amount thereof in the same manner as if the sums so paid had been included in a schedule duly made according to the provisions of this Act.

II. That so much of the said Act, 6 & 7 Will. 4. c. 89, as directs the coroner to make out an order on the churchwardens and overseers of the parish in which any death shall have happened for payment of the remuneration or fee payable under the provisions of that Act to any medical practitioner, and as directs such churchwardens and overseers to pay the same out of the funds collected for the relief of the poor of such parish, shall be and the same is hereby repealed, and in lieu thereof the coroner shall, immediately after the termination of the proceedings at any inquest, advance and pay such remuneration or fee to every medical witness summoned under the provisions of the said Act, and the amount thereof shall be repaid to the said coroner in manner hereinafter mentioned.

III. That every coroner acting in and for any county, riding, division, or district shall, within four months after holding any inquest, cause a full and true account of all sums paid by him under the provisions of this Act, including all sums paid to any medical witness as aforesaid, to be laid before the Justices of the Peace of such county, riding, division, or district, in General or Quarter Sessions assembled, or at any adjournment thereof; and every coroner of any borough shall, within four months after holding any inquest, cause a full and true account of all sums paid by him under the provisions of this Act, including as aforesaid, to be laid before the town council of such borough; and all such accounts shall be accompanied by such vouchers as under the circumstances may to such Justices or council respectively seem reasonable; and such Justices or council respectively may, if they shall think fit, examine the said coroner on oath as to such account, and on being satisfied of the correctness thereof such Justices or council respectively shall make an order on the treasurer of the said county, riding, division, or district, or of the said borough (as the case may be), for payment to the said coroner not only of the sum due to him on such account, but also of a sum of 6s. 8d. for every inquest holden by him as aforesaid, over and above all other fees and allowances to which he is now by law entitled; and the treasurer of any county, riding, division, or district on whom any such order shall be made shall, out of the monies in his hands arising from the county rates, and the treasurer of any borough on whom any such order shall be made shall, out of the monies in his hands on account of the borough fund, pay to the said coroner the sum mentioned in such order, without any abatement or deduction whatever; and every such treasurer shall, on passing his accounts, be allowed all sums which he shall pay in pursuance of any such order as aforesaid.

IV. That this Act and the several provisions herein contained shall extend and be applicable to the city of London and the town and borough of Southwark.

V. That this Act may be altered or repealed by any Act in this present session of Parliament.

CAP. LXIX.

AN ACT to amend an Act for the Commutation of Tithes in *England and Wales*.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Apportionments and agreements may be confirmed, although the Commissioners are not satisfied of the accuracy of the maps.
2. For determining parochial boundaries.
3. Judgment of Commissioners respecting boundaries may be removed by certiorari.
4. The apportionment need not contain the several amounts of corn charged on each estate.
5. Particulars of land not necessary to be stated in instruments of voluntary apportionments, if three-fourths of the land-owners so request.
6. When only one land-owner no draft of apportionment nor meeting for objections necessary.
7. Prices at which conversion from money into corn is to be made.
8. For the assessment and recovery of rates.
9. For determining the lands chargeable with rent-charge.
10. Provision for the period intervening between the end of former compositions and the commutation.
11. Parties to a parochial agreement may fix when it shall begin to operate.
12. Deeds not chargeable with stamp duty.
13. Assistant Commissioner may be sworn before two Justices or a Master in Chancery.
14. This Act to be taken as part of 6 & 7 Will. 4. c. 71.

By this Act.

After reciting the passing of 6 & 7 Will. 4. c. 71; and that it is expedient to amend the said Act in certain respects;—

It is Enacted,

1. That the Tithe Commissioners for England and Wales shall have power, if they shall think fit, to confirm under their hands and seal any instrument of voluntary apportionment, and also any agreement for giving land instead of tithes, made

according to the provisions of the said Act, to which shall be annexed a map or plan agreed to be adopted by a parochial meeting, although they shall not be satisfied of the accuracy of such map or plan, or that the several quantities of land specified in such apportionment or agreement are therein truly stated; but no recital of quantity or admeasurement of land, nor any map or plan annexed to any such confirmed apportionment or agreement, nor any copy thereof, shall be deemed evidence of the quantity of land referred to therein, or of the accuracy of such map or plan, unless the said map or plan, as well as the instrument of apportionment or agreement, shall be signed by the Commissioners and sealed with their official seal: Provided always, that the Commissioners, in case they shall confirm such voluntary apportionment or agreement, but shall not think proper to seal such map or plan, shall certify under their hands upon some part of such map or plan that the same is the map or plan referred to in such voluntary apportionment or agreement, as the case may be, which certificate shall be received as evidence of that fact.

II. That two-thirds in value of the owners of the lands in any parish or district of which the tithes are to be commuted, and respecting the boundaries of which any dispute or doubt shall arise, may, by writing under their hands or the hands of their agents, signed at a parochial meeting called for that purpose according to the provisions of the said Act, in the case of a parochial meeting for making a voluntary agreement for the commutation of the tithes of a parish, signify their request to the Tithe Commissioners that the said Commissioners should inquire into and settle such boundaries; and thereupon the said Commissioners, or any Assistant Commissioner specially appointed under their hands and seal for that purpose, shall, by examination of witnesses upon oath (which oath the said Commissioners or Assistant Commissioner are and is hereby empowered to administer), and also using any other powers contained in the said Act, and by such other legal ways and means as they or he shall think proper, inquire into, ascertain, and set out the boundaries of that parish or district: Provided always, that such Commissioners or Assistant Commissioner (before they or he proceed to set out the boundaries of such parish or district) shall give public notice of their or his intention, by writing under their or his hands or hand, to be affixed on the most public doors of the churches of that parish or district, and of every parish and district thereunto adjoining, and also by advertisement to be inserted in some newspaper circulated in the county in which such parish or district is situated, and also by writing to be delivered to or left ten days at least before the time of setting out such boundaries at the last or usual place of abode of the respective land-owners, or the respective agents of such land-owners, through or abutting upon whose lands the boundaries of such parish or district are supposed to pass; and such Commissioners or Assistant Commissioner shall, within one month after ascertaining and setting out the boundaries, publish the same by causing a description thereof in writing to be delivered to or left at the place of abode of one of the churchwardens or overseers of the poor of the parish or district of which the boundary shall be so set out, and of every parish or district thereunto adjoining, and also of every land-owner or his agent through or abutting upon whose lands the boundary so set out shall pass.

III. That any person interested in the judgment or determination of the said Commissioners or Assistant Commissioner respecting the said boundaries, who shall be dissatisfied with such determination, may within six calendar months next after the publication of the said boundaries, by delivering or leaving such description as aforesaid, move the Court of Queen's Bench to remove the said judgment by certiorari into the said court, the party making such application giving eight days notice of such application, and of the matter and ground thereof, in writing, to the said Commissioners; and the decision of the said Commissioners or Assistant Commissioner, or, in case of removal as aforesaid, the decision of the said Court therein, shall be final and conclusive, as to the boundaries of such parish or district, for all purposes whatsoever; and after the expiration of the said term of six calendar months, the judgment shall not be removed or removeable by certiorari or any other writ or process whatsoever into any of Her Majesty's courts of record at Westminster or elsewhere; and no certiorari shall be allowed to remove any such judgment unless the party prosecuting the certiorari shall before allowance thereof enter into a recognisance before one of the Justices of the said Court, in the sum of 50*l.*, with condition to prosecute the same without wilful delay, and to pay to the said Commissioners their full costs and charges within one calendar month after the judgment shall be confirmed, to be taxed according to the custom of the court.

IV. That it shall not be necessary to state in any instrument of apportionment the several quantities of wheat, barley, and oats charged upon the estate of any land-owner, or upon any portion of such estate included in such apportionment; provided that the whole sum agreed or awarded to be paid by way of rent-charge instead of the tithes of the whole parish or district be therein stated, and the whole number of bushels of wheat, barley, and oats ascertained to be the fixed quantity of corn of which the variable value is to be paid in money by way of rent-charge, and also the several sums of money which were at the time of the confirmation of the apportionment of equal value with the quantities of wheat, barley, and oats apportioned on each separate portion thereof, according to the provisions of the said Act, be also stated therein.

V. That it shall not be necessary to state in any instrument of voluntary apportionment made in consequence of a parochial agreement, whether the several lands are then cultivated as arable, meadow, or pasture land, or as wood land, common land, or howsoever otherwise, nor to state the amount charged on the several closes of every individual land-owner, if three-fourths of the land-owners interested in the said apportionment shall by some writing under their hands request the Commissioners to direct that such statements be omitted.

VI. That it shall not be necessary for the Commissioners to send a copy of any draft of voluntary apportionment made in consequence of a parochial agreement for the inspection of any parties, nor to hold any meeting to hear any objection thereto, when one land-owner shall be seized, either in fee simple or fee tail, of the whole of the lands that are not glebe lands in such parish.

VII. That the prices at which the conversion from money into corn is to be made, at the time of the confirmation of each apportionment, according to the provisions of the said Act, are 7*s.* 0*d.* for a bushel of wheat, 3*s.* 11*d.* for a bushel of barley, and 2*s.* 9*d.* for a bushel of oats.

VIII. That all rates and charges to which any rent-charge payable in lieu of tithes shall be liable may be assessed upon the owner of the rent-charge, and the whole or any part thereof may be recovered from any one or more of the occupiers of the lands out of which such rent-charge shall issue, in case the same shall not be sooner paid by the owner of the rent-charge upon whom the

same shall be assessed, in like manner as any poor rate assessed on such occupier or occupiers in respect of such lands may be recovered, upon giving to such occupier twenty-one days notice in writing previous to any one of the half-yearly days of payment of the rent-charge, and the collector's receipt for the payment of such rates and charges, or of any part thereof, shall be received in satisfaction of so much of the rent-charge by the owner thereof; but no occupier shall be liable to pay at any one time, in respect of such rates and charges, any greater sum than the rent-charge payable in respect of the lands occupied by him in the same parish shall amount to for the current half-year in which such notice shall have been given.

IX. That in all cases where the same person or body politic is not entitled to the perception of the whole of the tithes of any parish, and the liability of the lands to the payment of tithes is not in dispute, but the lands out of which each tithe-owner is entitled to the perception of his portion or parcel of tithes are not well defined, and also in all cases where such lands lie dispersedly throughout the parish, it shall be lawful, at any time before the confirmation of any apportionment the provisions of the said Act, for the land-owners and tithe-owners having any interest in such lands or tithes (with the consent of the diocesan and of the patron of the living whenever tithes payable to any spiritual person in right of his benefice are in question), to agree, or for the Tithe Commissioners to determine, in case the commutation shall have been made by their award, that the several rent-charges which shall be made payable in lieu of tithes to each of the tithe-owners respectively shall be fixed and apportioned upon such particular lands as to them shall seem convenient, so that no lands are charged with more than their due proportion of rent-charge, when the determination shall be by the compulsory award of the Commissioners; and every agreement or determination to that effect, when confirmed by the Tithe Commissioners, shall be binding upon and conclusive against all persons and bodies politic, notwithstanding any doubt as to the identity of the lands out of which the tithes originally issued in lieu whereof such distinct rent-charges are made payable.

X. That with the first payment of rent-charge under any agreement for the commutation of tithes shall also be paid any sum which shall be agreed to be paid in consideration of the time (if any) which may intervene between the termination of any previous agreement or composition for the payment of tithe and the time at which, by the said agreement for commutation, the lands shall be discharged from the payment of tithes, regard being had to the whole annual amount of rent-charge agreed to be paid, and to the other circumstances of each case.

XI. That the parties to a parochial agreement may agree thereby, or by any supplemental agreement made and confirmed in like manner, that the lands included in the said agreement shall be discharged from the payment of tithes (except as excepted in the said Act) from the 1st of January next preceding, or from the 1st of April, or 1st of July, or 1st of October preceding or following the confirmation of the apportionment instead of the 1st of January next following the confirmation: Provided always, that in every case the first payment of rent-charge shall be made and recoverable by the means provided in the said Act, on the expiration of six calendar months from the time from which such lands are discharged from the payment of tithes.

XII. That no deed or declaration authorized by the said Act for the commutation, release, or merger of tithes shall be chargeable with any stamp duty.

XIII. That any Assistant Commissioner appointed to assist in carrying the said Act into execution may take the oath required of him by the said Act before any two Justices for the county, riding, division, liberty, or jurisdiction wherein such Assistant Commissioner shall be resident at the time of his appointment, or before a Master Extraordinary in Her Majesty's High Court of Chancery; and every such oath so taken shall be as valid and effectual as if the same had been taken before one of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas or one of the Barons of the Court of Exchequer.

XIV. That this Act shall be taken to be a part of the said Act for the commutation of tithes in England and Wales.

CAP. LXX.

AN ACT to authorize the Commissioners for the Affairs of India and the Court of Directors of the East India Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the East India Company's College at Haileybury, and for providing during such Suspension for the Examination of Candidates for the said College.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *The India Board and Court of Directors may suspend the operation of enactments respecting admission of students;*
 2. *And in such case the Board to appoint examiners.*
 3. *Court of Directors to pay expenses of system of examination.*
 4. *Part of 33 Geo. 3. c. 52. repealed.*
 5. *Limiting the ages of students and writers.*
 6. *All persons appointed or sent out as writers since 10th of April 1834, and previously to 10th of April 1839, to be deemed duly appointed.*
 7. *Rules made in pursuance of this Act to be laid before Parliament.*
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By this Act,

After reciting that in 3 & 4 Will. 4. c. 85, are contained several enactments respecting the admission of students into the college of the said company at Haileybury, upon a principle then intended to be brought into practice of there being four candidates and no more than one student admitted into the said college for every expected vacancy in the civil establishment of India, according to a yearly prospective estimate by the said Act provided for; and that it is expedient to provide, in manner hereinafter mentioned, for the suspension of the same enactments :—

It is Enacted,

I. That the Board of Commissioners for the affairs of India and the Court of Directors of the East India Company shall, from the passing of this Act, have and be invested jointly with full power from time to time to suspend and to revive the operation of the said enactments for and during such period or successive periods of time as the said Board of Commissioners and Court of Directors may in their discretion think desirable.

And after reciting that in case of any suspension of the operation of the said enactments it will be expedient to establish some system of examination of candidates for admission to the said college at Haileybury :—

It is further Enacted,

II. That in case the said Board of Commissioners and Court of Directors shall at any time or times hereafter suspend the operation of the said enactments it shall be lawful for the said Board of Commissioners and they are hereby required to appoint, during the pleasure of the said Board, any competent person or persons to be an examiner or examiners of all candidates for admission to the said College at Haileybury, and to make, and afterwards alter, vary, or repeal, and again make, any regulations or provisions concerning such examinations, but so that during any suspension of the said enactments there shall be and continue in operation some system of examination according to the intent of this enactment.

III. That it shall be lawful for the Court of Directors of the said East India Company and they are hereby required to pay the expenses of any system of examination to be at any time established by virtue of this Act, provided such expenses do not exceed in any one year the sum of 500*l*.

IV. That so much of 33 Geo. 3. c. 52, as enacts that no person shall be appointed or sent out to India as a writer after he has attained the age of twenty-two years, shall be and the same is hereby repealed.

V. Provided and enacted, That it shall not be lawful for any person to be admitted to the said college as a student whose age shall exceed twenty-one years, nor for any person to be appointed or sent out to India as a writer in the said Company's service whose age shall exceed twenty-three years.

VI. That all persons who since the 10th of April 1834, have been appointed or sent out to India as writers in the said Company's service, after receiving a certificate of their due qualification under the hand of the Principal of the said college, and all persons who previously to the 10th of April 1839 shall be appointed or sent out to India as writers in the said Company's service, after receiving such certificate of their due qualification, shall be deemed to have been and to be duly appointed as writers, notwithstanding such persons may not have resided for four terms at the said college.

VII. That any rules made for the admission of students into the East India College at Haileybury by the Commissioners for the affairs of India, in pursuance of the provisions of this Act, shall be laid before both houses of Parliament within fourteen days after the commencement of the session of Parliament then next ensuing.

CAP. LXXI.

AN ACT to continue until the First Day of August One thousand eight hundred and thirty-eight, and to the End of the then Session of Parliament, Two Acts of the last Session of Parliament, for suspending Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories, and for preventing the immediate Effects on Ecclesiastical Jurisdictions of the Measures in progress for the Alteration of Dioceses.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *First-recited Act, 6 & 7 Will. 4. c. 67, and certain parts of last-recited Act, 6 & 7 Will. 4. c. 77, further continued.*
2. *Nothing in this Act to prevent bishops, &c. holding visitations or consecrating new churches, &c.*

By this Act,

After reciting the passing of 6 & 7 Will. 4. c. 67, and 6 & 7 Will. 4. c. 77, in which latter Act are contained certain provisions which were to continue in force only for one year after the passing thereof, or, if Parliament should be then sitting, till the end of the session of Parliament: And that it is expedient to continue for a further time the said first-recited Act and the temporary provisions of the said secondly-recited Act :—

It is Enacted,

1. That the said firstly hereinbefore recited Act and the said temporary provisions of the said secondly hereinbefore recited Act shall continue and be in force until the 1st of August 1838, and, if Parliament shall be then sitting, until the end of the then session of Parliament.

11. Provided, that nothing contained in this Act shall be construed to prevent any Bishop or Archdeacon to whom ecclesiastical jurisdiction and authority over any parts of England or Wales shall have been given by any order in council under the provisions of the said last-recited Act, 6 & 7 Will. 4, from holding visitations of the clergy, and at such visitations admitting churchwardens, receiving presentments, and doing all other acts, matters, and things by custom appertaining to the visitation of Bishops and Archdeacons in the places assigned to his jurisdiction and authority under the enactments of the said recited Act: Provided also, that nothing contained in this Act shall be construed to prevent any Bishop from consecrating a new church or chapel or a new burial ground within his diocese as assigned by the provisions of the said recited Act.

CAP. LXXII.

AN ACT to provide for the Appointment of Lords Justices in the Case of the next Successor to the Crown being out of the Realm at the Time of the Demise of Her Majesty.

(15th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Lords Justices appointed in case the successor should be out of the realm at the Queen's death.*
2. *The successor by three instruments may add others.*
3. *The three instruments to be transmitted into Great Britain, and severally sealed up and deposited.—Revocation or alteration thereof.—In case of the death of any of the persons with whom the instruments are deposited.*
4. *Any one of the instruments produced to the Privy Council to be effectual.*
5. *Lords Justices not to have power to grant rank, title, or dignity of peerage, &c.*
6. *Lords Justices not to dissolve the Parliament without direction, nor to alter certain statutes.*
7. *Lords Justices to take certain oaths.*
8. *Parliament called by Lords Justices not to be dissolved by arrival of successor.*
9. *Proviso in case any of the great offices are in commission at the Queen's death.*

By this Act,

After reciting that it may happen that whensoever our sovereign lady the Queen (whom God long preserve) shall demise and depart this life, the next successor entitled to these realms may at such time be out of the realm of the United Kingdom of Great Britain and Ireland, in parts beyond the seas:—

It is Enacted,

I. That for the continuing of the administration of the government in the name of such successor until his or her arrival in the United Kingdom of Great Britain and Ireland, the officers hereinafter named who shall be in the possession of their offices at the time of such demise of Her Majesty, that is to say, the Archbishop of Canterbury at that time being, the Lord Chancellor or Lord Keeper of the Great Seal of Great Britain at that time being, the Lord High Treasurer at that time being, the Lord President of the Council at that time being, the Lord Privy Seal at that time being, the Lord High Admiral of the United Kingdom at that time being, and the Lord Chief Justice of the Queen's Bench at that time being, shall be and are by virtue of this Act constituted and appointed Lords Justices of the United Kingdom of Great Britain and Ireland, and are and shall be by virtue of this Act empowered in the name of such successor and in his or her stead, to use, exercise, and execute all powers, authorities, matters, and acts of government and administration of government in as full and ample manner as such next successor could use, exercise, or execute the same if he or she were present in person within this United Kingdom of Great Britain and Ireland, until such successor shall arrive or otherwise determine their authority.

11. Nevertheless it is enacted, That such person who is or shall be next entitled to succeed to the Crown of these realms shall be and is hereby empowered, at any time during Her Majesty's life, by three instruments under his or her hand and seal, revocable or to be altered at his or her will and pleasure, to nominate and appoint such and so many persons, being natural-born subjects of this realm of Great Britain and Ireland, as he or she shall think fit, to be added to the officers before named to be Lords Justices as aforesaid, who shall be empowered by authority of this Act to act with them as Lords Justices of the United Kingdom of Great Britain and Ireland, as fully and in the same manner as if they had been herein particularly named; which said Lords Justices, or the major part of them which shall assemble, so as such major part be not fewer than five, shall and may use, exercise, and execute all the powers and authorities before mentioned as fully and effectually, to all intents and purposes, as if all of them had been assembled together and consenting.

111. That the said three instruments, revocable and to be altered as aforesaid, shall be transmitted into the United Kingdom of Great Britain and Ireland to the resident or accredited minister of such next successor, whose credentials shall be enrolled in the High Court of Chancery, and to the Archbishop of Canterbury for the time being, and the Lord Chancellor or Lord

Keeper of the Great Seal of Great Britain for the time being, close sealed up, and after they are so transmitted, shall be put into several covers, which shall be severally sealed up with three several seals of such resident or accredited minister, and of the Archbishop of Canterbury, and of the Lord Chancellor or Lord Keeper of the Great Seal of Britain; and one of them after it is so sealed up shall be lodged and deposited in the hands of such resident or accredited minister, one other of them in the hands of the said Archbishop of Canterbury, and one other of them in the hands of the said Lord Chancellor or Lord Keeper; and that if the next successor shall be minded to revoke or alter his or her nomination or appointment made as aforesaid, and shall by three writings of the same tenor, under his or her hand and seal, require the said instruments deposited as aforesaid to be delivered up to some person or persons thereby authorized to receive the same, then and in such case the said persons with whom the said instruments shall be deposited, and every of them, and in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall deliver up the said instruments accordingly unopened, and they are hereby respectively authorized and required so to do; and if any of the said persons with whom the said instruments shall be so deposited shall happen to die, or be removed from their respective offices or employments during the life of Her present Majesty, such person and persons, and, in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall, with all convenient speed, deliver such of them as shall be in his or their custody unopened to the successor or successors of the person so dying or removed as aforesaid; which said several instruments so sealed up and deposited as aforesaid shall immediately after the demise of Her Majesty be brought before the Privy Council unopened, where the same shall be forthwith opened and read, and afterwards enrolled in the High Court of Chancery.

iv. That if all the said instruments deposited as aforesaid shall not be produced before the said Privy Council as aforesaid then any one or more of the said instruments so produced as aforesaid shall be as effectual to give such authority as aforesaid to the persons therein named as if all of them had been produced as aforesaid; and if there be not any nomination by such instruments, then the said seven officers, or any five of them, are constituted and appointed to be Lords Justices of the United Kingdom of Great Britain and Ireland, and are hereby invested with the powers and authorities mentioned in this Act.

v. Provided, That the said Lords Justices shall not have or exercise any power or authority to grant any rank, title, or dignity of peerage by letters patent, writ of summons, or any other manner whatever, or to summon any person to the House of Lords by any title to which such person is the heir apparent, or to determine the abeyance of any rank, title, or dignity of peerage which now is or hereafter shall be in abeyance in favour of any of the co-heirs thereof, by writ of summons or otherwise: Provided also, that the said Lords Justices shall not have any power or authority, without express directions from such next successor, to grant, lease, or dispose of any lands, tenements, or hereditaments whatsoever now belonging or hereafter to belong to her Majesty, her heirs or successors; nor to grant any office or employment whatever in reversion; nor to grant for any longer term than during the pleasure of such next successor any office, employment, salary, or pension whatever, except such offices and employments in possession for the term of the natural life of or during the good behaviour of the grantee or grantees thereof respectively, as by law must be so granted.

vi. That the said Lords Justices constituted as aforesaid shall not dissolve such Parliament as shall be sitting at the time of such demise as aforesaid, or as shall be thereupon convened and sit, as provided by 6 Ann. c. 7, intituled, 'An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line,' without express directions from such next successor; and that the said Lords Justices shall be and are hereby restrained and disabled from giving the Royal Assent in Parliament to any bill or bills in Parliament for repealing, changing or in any respect varying from the order and course of succession to the Crown of this realm as the same stands now established in the illustrious house of Hanover by 12 Will. 3. c. 2, intituled, 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;' or to any Act for repealing or altering 13 Car. 2. c. 4, intituled, 'An Act for the Uniformity of Public Prayers, and Administration of Sacraments and other Rites and Ceremonies, and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England;' or 5 Anne, made in Scotland, intituled, 'An Act for securing the Protestant Religion and Presbyterian Church Government.'

vii. That the said Lords Justices before they act or intermeddle in their said offices or any of the authorities hereby to them given, shall take the oaths of allegiance and supremacy in the form prescribed and required by 1 W. & M. c. 8, intituled, 'An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths;' and shall also take the oath of abjuration in such manner and form as is set down and prescribed, in 6 Geo. 3. c. 53, intituled, 'An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen Anne, intituled, "An Act for the Improvement of the Union of the Two Kingdoms," as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;' and also the following Oaths; (that is to say,)

'I A. B. do solemnly promise and swear, That I will truly and faithfully execute the Office of Lord Justice of the United Kingdom of Great Britain and Ireland, according to an Act of Parliament made in the First Year of the Reign of Her Majesty Queen Victoria intituled [*here insert the Title of this Act*]; and that I will administer the Government of this Realm and of all the Dominions thereunto belonging according to the Laws, Customs and Statutes thereof, and will in all Things to the utmost of my Power and Ability consult and maintain the Safety, Honour and Dignity of His [*or Her, as the Case shall require*] Majesty, and the Welfare of His [*or Her, as the Case shall require*] People.

'So help me GOD.'

'I DO faithfully promise and swear, That I will inviolably maintain and preserve the Settlement of the true Protestant Religion, with the Government, Discipline, Rights, and Privileges of the Church of Scotland, as established by Law.

'So help me GOD.'

And shall also make and subscribe the declaration required to be made and subscribed by all persons admitted into any office, employment, or place of trust under Her Majesty, her heirs and successors, by an Act, 9 Geo. 4. c. 17, intituled, 'An Act for

repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments.'

Which said oaths and declaration shall be taken and subscribed before the Privy Council of the United Kingdom of Great Britain and Ireland in being at the time of such demise of Her Majesty, who are hereby required and empowered to administer and receive the same, and to enter the same in the Council Books.

VIII. That if after such demise of Her Majesty and before the arrival of any succeeding King or Queen in the United Kingdom of Great Britain and Ireland another Parliament shall be called, by the Lords Justices by writs tested in their names, by the arrival of such succeeding King or Queen in the United Kingdom of Great Britain and Ireland such Parliament shall not be dissolved, but after such arrival shall proceed without any new summons.

IX. Provided, That if any of the aforesaid seven offices, other than the office of Lord High Treasurer of the United Kingdom of Great Britain and Ireland, shall be in commission at the time of the demise of Her Majesty, then the First Commissioner of such respective commission shall be one of the said Lords Justices, and use, exercise, and execute all powers, authorities, matters, and acts of government by this Act vested in the said Lords Justices, according to the directions and provisions of this Act, in as full and ample manner as if such office or offices were in the hands of a single person; Provided also, that if there be no Lord High Treasurer of Great Britain and Ireland, and the office of the Treasurer of the Exchequer shall be in commission, then the first in that commission shall be one of the said Lords Justices.

CAP. LXXIII.

AN ACT for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. So much of 6 Geo. 4. c. 91. as is hereinbefore set forth, and the 4 & 5 Will. 4. c. 94. repealed.
2. Privileges may be granted by letters patent to persons associated for trading or other purposes.
3. The letters patent so granted may provide that suits shall be carried on in the name of one of the officers of any company appointed for that purpose.—*Proviso.*
4. Individual liability of members of a company may be restricted by letters patent.
5. Deed of partnership to be executed.
6. Return to be made as hereinafter mentioned of the granting of letters patent and style of company.
7. Name of company not to be changed after registry.—*If place of business changed, return to be made.*
8. When persons cease to be members of company or corporation, except by transfer of shares, or of change of name of member, company to make return within three months.
9. On transfer of shares, notice to be given to the company or corporation by transferee.
10. Company or corporation to make return within three months after receiving notice of transfer.
11. Any person having made payment in respect of a share in a company under any judgment against such company to make a return thereof to Court of Chancery.
12. Company to make return when repayment is made of money so advanced by any person.
13. On death, resignation, or removal of officer appointed to sue and be sued on behalf of company or body, another to be appointed, and return made.
14. Returns how to be signed and verified.
15. Return of names of members, &c. not to be rendered invalid by unintentional error.
16. Returns, to what office to be made respectively in England, Scotland, or Ireland.
17. By whom returns are to be registered.
18. Certified copy of such return, &c. to be received in evidence.
19. Regulations as to forms of returns and mode of keeping the register, &c. by whom to be made.
20. No person entitled to share in profits till registered as a member.
21. Person ceasing to be a member to continue liable till transfer, &c. registered.
22. Proceedings commenced in the name of officer not to be abated by his death, &c. or by change of members of company.
23. Evidence of officer or of member of company admissible.
24. Effect of judgments against company.
25. Bankruptcy of officer of company not to affect company or liabilities of members.
26. Service of notice on the company.
27. Service of notice by the company.
28. Determination of company not to prevent the winding up of their affairs.
29. Duration of charters of incorporation may be limited.
30. Limitations as to exemptions to be granted to companies by letters patent.
31. Act not to affect existing privileges.
32. Notice of application for letters patent to be inserted in the London Gazette, &c.

By this Act,

After reciting that divers associations are and may be formed for trading or other purposes, some of which associations it would be inexpedient to incorporate by royal charters, although it would be expedient to confer on them some of the privileges of and incident to corporations created by royal charters, and also to invest such associations or some of them with certain other powers and privileges: And that it would also be expedient to extend the powers of Her Majesty in reference to the creation of corporations, and to the conferring of privileges upon corporations, and upon other bodies or companies enabled to sue and be sued: And that by 6 Geo. 4. c. 91. it was amongst other things enacted, that in any charter thereafter to be granted by His Majesty, his heirs or successors, for incorporation of any company or body of persons, it should and might be lawful in and by such charter to declare and provide that the members of such corporation should be individually liable in their persons and property for the debts, contracts, and engagements of such corporation, to such extent, and subject to such regulations and restrictions, as His Majesty, his heirs or successors, might deem fit and proper, and as should be declared and limited in and by such charter, and the members of such corporation should thereby be rendered so liable accordingly: And that by 4 & 5 Will. 4. c. 94, His Majesty, his heirs and successors, were empowered to grant to unincorporated companies and associations certain privileges in such last-mentioned Act set forth: And that the aforesaid provisions of the said recited Acts have not been found effectual for the purposes thereby intended, and it is therefore expedient to repeal the same, and to make such provisions in reference to the several matters aforesaid as are hereinafter contained:—

It is Enacted,

i. That so much of the said Act, 6 Geo. 4. c. 91, as is hereinbefore set forth, and also the said recited Act, 4 & 5 Will. 4. c. 94, shall be and they are hereby respectively repealed.

ii. That it shall and may be lawful for Her Majesty, her heirs and successors, by letters patent to be from time to time for that purpose issued under the great seal of the United Kingdom of Great Britain and Ireland, or in Scotland under the seal appointed by the articles of Union to be used instead of the great seal thereof, to grant to any company or body of persons associated together for any trading or other purposes whatsoever, and to the heirs, executors, administrators, and assigns of any such persons, although not incorporated by such letters patent, any privilege or privileges which, according to the rules of the common law, it would be competent to Her Majesty, her heirs and successors, to grant to any such company or body of persons in and by any charter of incorporation.

iii. That in any letters patent so to be granted as aforesaid by Her Majesty, her heirs or successors, to any such company or body of persons so associated together as aforesaid, but not incorporated, it shall and may be lawful, in and by such letters patent, either expressly or by a general or special reference to this Act, to provide and declare that all suits and proceedings, whether at law, in equity, or in bankruptcy or sequestration, or otherwise howsoever, as well in Great Britain and Ireland as in the colonies and dependencies thereof, by or on behalf of such company or body, or any person or persons as trustee or trustees for such company or body, against any person or persons, whether bodies politic or others, and whether members or not of such company or body, shall be commenced and prosecuted in the name of one of the two officers for the time being to be appointed to sue and be sued on behalf of such company or body, and registered in pursuance of the directions of such appointment and registration respectively hereinafter contained; and that all suits and proceedings, whether at law or in equity, by or on behalf of any person or persons, whether bodies politic or others, and whether or not members of such company or body, against such company or body, shall be commenced and prosecuted against one of such officers, or if there shall be no such officer for the time being, then against any member of such company or body: Provided nevertheless, that nothing in this Act or in such letters patent contained or to be contained shall prevent the plaintiff from joining any member of such company or body with such officer as a defendant in equity, for the purpose of discovery, or in case of fraud.

iv. That it shall and may be lawful, in and by such letters patent so to be granted to any such body or company as aforesaid, to declare and provide that the members of such company or body so associated as aforesaid shall be individually liable in their persons and property for the debts, contracts, engagements, and liabilities of such company or body to such extent only per share as shall be declared and limited in and by such letters patent; and the members of such company or body shall accordingly be individually liable for such debts, contracts, engagements, and liabilities respectively to such extent only per share as in such letters patent shall be declared and limited; such liability nevertheless to be enforced in such manner and subject to such provisions as are hereinafter contained.

v. That every such company or body to which any such privileges or powers as hereinbefore mentioned shall be granted under the authority of this Act shall be entered into or formed by a deed of partnership or association, or an agreement in writing of that nature; and the undertaking shall by such deed or agreement be divided into a certain number of shares to be there specified; and in such deed or agreement, or in some schedule thereto, there shall be set forth the name or style of the said company or body, the names or styles of the members of the said company or body, the date of the commencement thereof, the business or purpose for which the said company or body is formed, and the principal or only place for carrying on such business; and in such deed or agreement there shall also be contained the appointment of two or more officers to sue or be sued on behalf of such company or body in manner hereinafter mentioned.

vi. That such company or body as aforesaid shall, within three calendar months after the grant of such letters patent as aforesaid, make or cause to be made a return to such one of the officers for enrolment hereinafter mentioned as shall be required under the provisions of this Act, containing the date of the grant of such letters patent as aforesaid, the name or style of the said company or body, the business or purpose for which the said company or body is formed, the principal or only place for carrying on such business, the total number of shares in the said company or body (and each of which shares is to be distinguished by a separate number in regular succession), the amount to which each share shall render the holder thereof liable, the names and (except as to bodies politic) the places of abode of all the members thereof, and the distinctive number or numbers of the share or respective shares which each member holds; and such company or body shall also at the same time make a return of the names and descriptions of the officers appointed by such company or body to sue and be sued on behalf thereof in manner aforesaid; such return to be made in the form in the Schedule (A.) to this Act annexed.

VII. That during the continuance of any such company or body after it shall have been so registered no change shall be made in the name or style thereof; and if the principal or only place for carrying on the business of the said company or body shall be changed the said company or body shall within three calendar months after such change make or cause to be made a return to the said office as aforesaid of such change in the form in Schedule (B.) to this Act annexed.

VIII. That in case any person shall cease to be a member of such company or body (except by means of the transfer by deed or writing of any share therein), or in case of the addition of any person thereto (except by means of the transfer of any share as aforesaid), or of the change of the name of any member thereof by marriage or otherwise, the said company or body shall, within three calendar months after information shall be received by the said company or body of any person so ceasing as aforesaid, or of such change or addition as aforesaid, make or cause to be made a return to the said office as aforesaid, containing the names and places of abode of all persons having ceased to be members thereof (except as aforesaid), and the names and places of abode of all persons having become members thereof (except as aforesaid), and specifying any change in the name of any member thereof by marriage or otherwise; such return to be made in one of the forms in the Schedule (C.) to this Act annexed, as the case may be.

IX. That on the transfer by deed or writing of any share in any such company or body as aforesaid, a notice in writing, specifying the date of such transfer, the distinguishing number of the share transferred, the name and (except in the case of a body politic) the place of abode of the person by whom or on whose behalf and of the name and (except as aforesaid) the place of abode of the person to whom such transfer is made, shall be given to the said company or body, by leaving the transfer, when executed by both parties, or some note or memorandum thereof signed by them, at the principal or only office of the said company or body.

X. That in case of the transfer of any share in such company or body, the said company or body shall, within three calendar months after receiving such notice as aforesaid of such transfer, make or cause to be made a return to the said office as aforesaid, containing the date of such transfer, the distinguishing number of the share transferred, the name and (except in the case of a body politic) the place of abode of the person by whom or on whose behalf such transfer is made, and of the person to whom such transfer is made, in the form in Schedule (D.) to this Act annexed; and such company or body are hereby required, on the request in writing of either of the parties, forthwith to make such return accordingly.

XI. That where the extent per share of the liability of the individual members of any such company or body shall have been limited by letters patent as aforesaid, it shall be lawful for any person who shall or may from time to time have advanced or paid any sum in consequence or by virtue of any execution or diligence issued against him in respect of any share in such company or body, under any judgment, decree, interlocutor, or order to be obtained against any officer of the said company or body, or any member thereof, in manner hereinafter mentioned, to make a return thereof to such office as aforesaid in the form in Schedule (E.) to this Act annexed; and every such return shall be accompanied with a proper voucher or vouchers of the fact of such payment, without which the same shall not be registered as hereinafter mentioned.

XII. That if any sum or sums shall at any time be repaid by any such company or body as last aforesaid in respect of any such sum which may have been so advanced or paid by virtue of such execution or diligence, the said company or body shall forthwith make or cause to be made a return to such office as aforesaid, specifying the amount of such repayment, in the form in Schedule (F.) to this Act annexed.

XIII. That in case of the death or resignation or removal of any officer appointed to sue and be sued on behalf of any company or body to be formed in pursuance of any of the provisions of this Act, the said company or body shall forthwith appoint in his stead another officer to sue and be sued on behalf of such company or body, and shall, within three calendar months after the death, resignation, or removal of such officer as aforesaid, make or cause to be made a return to the said office as aforesaid, containing as well the name and description of the person who has ceased to be such officer in manner aforesaid as the name and description of the officer who has been appointed to sue and be sued on behalf of such company or body; such return to be made in the form in Schedule (G.) to this Act annexed.

XIV. That all returns to be made in manner aforesaid by such company or body shall be signed by one of such officers, and shall be verified by a declaration of such officer made pursuant to the provisions of 5 Will. 4. c. 62, intituled, 'An Act to repeal an Act of the present Session of Parliament, intituled, "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;" and to make other Provisions for the Abolition of unnecessary Oaths,' except that if there shall be no such officer, or such officer shall refuse to act, then such return shall be signed and verified as aforesaid by some member of the said company or body.

XV. That any return to be made in manner aforesaid of the name or place of abode of any original member of such company or body, or of any person to or in whom any share in such company or body shall be transferred or become vested, shall not be rendered invalid for the purposes of this Act by any error or omission in the same, if the said company or body shall, within one calendar month after information of such error or omission shall be received by such company or body, cause a correct return to be made to the said office as aforesaid in the form in Schedule (F.) to this Act annexed: Provided always, that this clause shall not invalidate or prejudice any intermediate transaction or matter whatsoever which shall have *bona fide* taken place or proceeded upon the faith of such erroneous or defective return, nor shall the benefit of this clause extend to any error or omission which shall be fraudulent.

XVI. That where the principal or only place for carrying on the business of any such company or body as aforesaid, shall be situated in any part of England or Wales, the returns hereinbefore directed shall be made to the Enrolment Office of the Court of Chancery in England; and where such principal or only place for carrying on such business shall be situate in any part of Scotland, such returns shall be made to His Majesty's General Registry Office at Edinburgh; and where such principal or only place for carrying on such business shall be situated in any part of Ireland, such returns shall be made to the Enrolment Office of the Court of Chancery in Ireland.

XVII. That all such returns as are hereinbefore directed to be made to the Enrolment Office of the Court of Chancery in England shall be registered by the clerks of enrolments in Chancery, or their deputy, and that all such returns as are hereinbefore directed to be made to the general registry office at Edinburgh shall be registered by the Lord Clerk Register or his deputy, and all such returns as are hereinbefore directed to be made to the Enrolment Office of the Court of Chancery in Ireland shall be registered by the clerks of enrolments in Chancery in Ireland, or their deputy, in books to be by them respectively kept for that purpose, and that an alphabetical index shall be kept of the names of such companies or bodies, with references to such returns, and that there shall be paid for the registering of each return a fee of 6d. per folio, and no more; and that any person shall be at liberty to inspect such books and index, and that there shall be paid for such inspection a fee of 1s., and no more; and that any person shall be at liberty to require a copy of any such return, to be certified by the said clerks or their deputy, and that there shall be paid for such certificate a fee of 1s. 6d. for each folio of such copy, and no more; and the day of the registration of every return to be made in pursuance of this Act shall be written on such return by the said clerks or their deputy.

XVIII. That a copy, so certified as aforesaid, of such return, including the date to be marked on such return, shall be received in evidence in all proceedings, whether civil or criminal, and shall also be received as evidence of the day of the registering thereof.

XIX. That such orders and directions as to the forms of the returns to be made in pursuance of this Act, and the mode of keeping the register, and of making the index thereof, and of any other matters incidental thereto, as may be deemed expedient, may from time to time be made, altered, or varied as follows; that is to say, as regards the registration to be made in the Enrolment Office in the Court of Chancery in England, by the Lord Chancellor, Lord Keeper, or First Lord Commissioner of the Great Seal, and the Master of the Rolls, jointly; as regards the registration to be made in the General Registry Office in Edinburgh, by the Lord Clerk Register and Lords of Council and Session jointly; and as regards the registration to be made in the Court of Chancery in Ireland, by the Lord Chancellor of Ireland and Master of the Rolls in Ireland jointly.

XX. That no person becoming a member of any such company or body by the transfer of any share therein, or otherwise, shall be entitled to sue for or recover any share of the profits thereof, unless and until a return of the transfer or other fact whereby he shall so become a member shall be registered pursuant to the provisions hereinbefore contained.

XXI. That any person ceasing to be a member of any such company or body, whether by the transfer of any share therein, or by death or otherwise, shall be considered for all purposes of liability as continuing a member of such company or body until a return of the transfer or other fact whereby he shall have so ceased to be a member shall be registered pursuant to the provisions hereinbefore contained.

XXII. That no action, suit or proceeding, whether civil or criminal, commenced either by or against any such company or body (whether in the name of one of the officers appointed to sue and be sued as aforesaid, or of some member of such company or body, in the case and in manner aforesaid), shall be abated or prejudiced by the death or by any act of such officer or person, or by the resignation or removal of such officer, either before or after the commencement of such action, suit, or proceeding, or by any change in the members of such company or body by the transfer of shares or otherwise, but that the same shall be continued in the name of such officer or member (as the case may be) notwithstanding such death or act, or such resignation or removal, and notwithstanding such change in the members of such company or body.

XXIII. That in all such actions, suits, and other proceedings, whether civil or criminal, the evidence of any such officer as aforesaid, or of any member of such company or body, shall be admissible in the like manner as if such officer or member were not an officer or member of such company or body.

XXIV. That all judgments, decrees, and interlocutors, and orders obtained in any such actions, suits, or other proceedings as aforesaid against such officer or member in manner aforesaid, whether such member or officer respectively be party to such actions, suits, or proceedings, as plaintiff, pursuer, petitioner, or defendant or defender, shall have the same effect against the property and effects of such company or body, and also (to the extent hereinafter mentioned) against the persons, property, and effects of the individual existing or former members thereof respectively, as if such judgments, decrees, interlocutors, or orders had been obtained against such company or body in suits or proceedings to which all the persons liable as existing or former members of such company or body had been parties, and that execution or diligence, or executions or diligences, shall be issued thereon accordingly: Provided nevertheless, that where the extent per share of the liability of the individual members shall have been limited by any letters patent as aforesaid, no such execution or diligence shall be issued against any such individual existing and former member of such company or body as aforesaid for a greater sum than the residue, if any, of the amount for which, by virtue of such letters patent as aforesaid, such individual member shall be liable in respect of the share or shares then or theretofore held by him in the said company or body, after deducting therefrom the amount, if any, which shall appear by such register as aforesaid to have been advanced and paid in respect of such shares or of any of them by himself or herself, or any previous or subsequent holder of the same shares or any of them, or the representatives of any such holder, under or by virtue of any former execution or diligence, and not repaid at the time of issuing such subsequent execution or diligence.

XXV. That the bankruptcy, insolvency, or stopping payment of any officer or member of such company or body in his capacity shall not be construed to be the bankruptcy, insolvency, or stopping payment of such company or body; and that the property and effects of such company or body, and the persons, property, and effects of the individual members or other individual members thereof (as the case may be), shall, notwithstanding such bankruptcy, insolvency, or stopping payment, be liable to execution or diligence in the same manner as if such bankruptcy, insolvency, or stopping payment had not taken place.

XXVI. That in all cases wherein it may be necessary for any person to serve any summons, demand, or notice, or any writ or other proceeding at law or in equity, or otherwise, upon the said company or body, service thereof respectively on the clerk of the said company or body, or by leaving the same at the head office for the time being of the said company or body, or in case such clerk of the said office shall not be found or known, then service thereof on any agent or officer employed by the said

company or body, or by leaving the same at the usual place of abode of such agent or officer, shall be deemed good and sufficient service of the same respectively on the said company or body.

XXVII. That in all cases wherein it may be necessary for the said company or body to give any summons, demand, or notice of any kind whatsoever to any person or corporation, under the provisions or directions contained in this Act, such summons, demand, or notice may be given in writing, signed by the clerk, attorney, or solicitor for the time being of the said company or body, without being required to be under the common seal of the said company or body.

XXVIII. That in case of the determination of such company or body such company or body shall nevertheless be considered as subsisting, and to be in all respects subject to the provisions of this Act, so long and so far as any matters relating to such company or body shall remain unsettled, to the end and intent that such company or body may do all things necessary to the winding up of the concerns thereof, and that it may be sued and sue under the provisions of this Act in respect of all matters relating to such company or body.

XXIX. That it shall be lawful for Her Majesty, her heirs and successors, in any charter of incorporation to be hereafter granted, to limit the duration thereof for any term or number of years, or for any other period whatsoever; and also in any charter of incorporation (whether in perpetuity or for any term or period), either by reference to this Act or otherwise, to make the corporation thereby formed, and the officers and members thereof, subject to all of the provisions, liabilities, and directions hereinbefore authorized to be imposed on or required from any unincorporated company or body, or its officers or members, and also to confer on such corporation or its members and officers all the powers or privileges hereinbefore authorized to be conferred on any unincorporated company or body, or its officers or members; and all the powers, provisions, clauses, matters, and things hereinbefore contained in reference to unincorporated companies or bodies shall accordingly in such case, and so far as the same may be applicable, be considered to belong and apply to such corporation.

XXX. Provided, That nothing in this Act contained shall authorize or be construed to authorize Her Majesty, her heirs and successors, by any such letters patent, to exempt any company or body of persons associated as aforesaid from the necessity of entering into a deed of partnership, from making the return of the patent to the Enrolment Office of the Court of Chancery, from the necessity of carrying into execution the provisions of this Act in respect to change of name, or style of the company or body associated, in respect to the cessation, or to the addition or to the change of name of any of the individuals of the company, or to the transfer of shares and to the notices to be given thereof, or to the payment of any sum by any shareholder, on account of any preferment against such company or body, or to the returns to be made to the Enrolment Office of such payment, or of the repayment thereof, or from making a return to the said office of the name of the officer appointed by said company to sue and be sued on its behalf, in case of the death, resignation, or removal of the one registered, or to exempt any company or body so associated from the provisions of this Act in relation to the period at which its several members shall become entitled or shall cease to share in the profits thereof, the whole as required by the provisions of this Act.

XXXI. Provided, That nothing in this Act contained shall authorize or be construed to authorize the grant to any company or body of persons of any privilege in derogation of any exclusive privileges now enjoyed by any company or corporation under any Act or Acts of Parliament.

XXXII. That whenever an application shall be made to Her Majesty to grant letters patent or a charter of incorporation to any company or body of persons associated together for any purpose of trade, and such application shall have been referred by Her Majesty to the Committee of Privy Council for trade and plantations, then, before any report shall be made to Her Majesty, and before any such letters patent or charter shall be granted, notice of such application shall be inserted by the parties applying three several times in the *London Gazette* and in one or more of the newspapers circulating within the county in which it is proposed that the principal place of business of such company shall be established, at intervals of not less than one week.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

RETURN made pursuant to Statute Vict.

| Date of Letters Patent. | Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. | Total Number of Shares. | Liability in respect of each Share. |
|-------------------------|--------------------------|----------------------|--|-------------------------|-------------------------------------|
| | | | | | |

[Names and Places of Abode of all the Members, and the distinctive Numbers of the Shares which each of them holds.]

[Names and Descriptions of the Officers appointed to sue and be sued on behalf of the Company or Body.]

I

(one of the above-named Officers) do solemnly and sincerely declare, That the above is a true

Return; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth Year of the reign of His late Majesty, intituled "An Act," &c.

Dated this Day of 18 .

[Declared, &c.]

[Signature.]

SCHEDULE (B.)

RETURN made pursuant to Statute Vict.

CHANGE OF PLACE OF BUSINESS.

| Name of Company or Body. | Business or Purpose. | Former Place [or principal Place, if more than One,] of Business. | Present Place [or principal Place] of Business. |
|--------------------------------|----------------------|---|---|
| | | | |

I [&c. as before.]

[Date.]

[Declared, &c.]

[Signature.]

SCHEDULE (C.)

RETURN made pursuant to Statute Vict.

CHANGE OF MEMBERS.

| Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. |
|--------------------------|----------------------|---|
| | | |

[Names and Places of Abode of all persons having ceased to be Members (except by Transfer of Shares) since the last Return.
Dated the Day of .]

[Names and Places of Abode of all Persons who have become Members (except by Transfer of Shares) since the last Return.
Dated the Day of .]

[Former Names and Places of Abode of Persons whose Names have been changed.]

[Present Names and Places of Abode of Persons whose Names have been changed.]

I [&c. as before.]

[Date.]

[Declared, &c.]

[Signature.]

SCHEDULE (D.)

RETURN made pursuant to Statute Vict.

TRANSFER OF SHARES.

| Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. | |
|--|---|---|-------------------|
| | | | |
| Name and Place of Abode of Persons by whom Transfer is made. | Name and Place of Abode of Person to whom Transfer is made. | The distinctive Numbers of the Shares transferred. | Date of Transfer. |
| | | | |

I [&c. as before.]

[Date.]

[Declared, &c.]

[Signature.]

SCHEDULE (E.)

RETURN made pursuant to Statute Vict.

PAYMENT BY INDIVIDUAL MEMBER.

| Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. | |
|---|--|---|--|
| | | | |
| Name and Place of Abode of individual Member. | Distinctive Numbers of the Shares in respect of which Payment is made. | Sum paid in respect of each Share. | Total amount paid under Exemptions or Diligence. |
| | | | |

I [&c. as before.]

[Date.]

[Declared, &c.]

[Signature.]

SCHEDULE (F.)
RETURN made pursuant to Statute Vict.

PAYMENT TO INDIVIDUAL MEMBERS.

| Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. | |
|---|--|---|---|
| | | | |
| Name and Place of Abode of individual Member. | Distinctive Numbers of the Shares in respect of which Repayment is made. | Sum repaid in respect of each Share. | Total Amount repaid to individual Member. |
| | | | |

I [*&c. as before.*]

[*Date.*]

[Declared, &c.]

[*Signature.*]

SCHEDULE (G.)
RETURN made pursuant to Statute Vict.

CHANGE OF OFFICER.

| Name of Company or Body. | Business or Purpose. | Place [or principal Place, if more than One,] of Business. |
|--------------------------|----------------------|---|
| | | |

[*Name and Description of the person who has ceased to be an Officer to sue and be sued on behalf of the Company or Body since the last Return. Dated .*]

[*Name and Description of the Officer appointed to sue and be sued on behalf of the Company or Body since the last Return. Dated .*]

I [*&c. as before.*]

[*Date.*]

[Declared, &c.]

[*Signature.*]

SCHEDULE (H.)
RETURN made pursuant to Statute Vict.

CORRECTED RETURN.

[*Copy of former incorrect Return.*]

(Copy.)

Amended Return with correct Names and Descriptions [*in such of the preceding forms as are applicable to the Case under the Provisions of the foregoing Act.*]

I [*&c. as before.*]

[*Date.*]

[Declared, &c.]

[*Signature.*]

CAP. LXXIV.—IRELAND.

AN ACT to restrain the Alienation of Corporate Property in certain Towns in *Ireland*.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

-
1. *Restraining the conveyance of corporate property until the 1st of September 1838, unless bond fide agreed upon previous to the 16th of February 1836.—Proviso.*
 2. *Persons appointed to offices of profit since the 16th of February 1836, not entitled to compensation on removal by Parliament.*
-

By this Act,

After reciting the passing of 6 & 7 Will. 4. c. 100, whereby temporary provision was made to the end that the estates and effects of the bodies corporate constituted in sundry towns in Ireland might be preserved and maintained for the use and benefit of the inhabitants of the said towns, and upon and for the several trusts and purposes to which the same ought to be applied : And that it is fitting that further provision be made to the like end :—

It is Enacted,

I. That no conveyance, alienation, settlement, charge, or incumbrance whatsoever of, out of, or upon any lands, tenements, or hereditaments to which any body corporate or late or reputed body corporate named in the schedule to the said recited Act annexed, or any one or more of the members of any of the said bodies corporate in his or their corporate capacity, or any person or persons in trust for them or any of them, now have or may hereafter acquire, or on or before the 16th of February 1836 had or have since then acquired, any right or title, unless in pursuance of some covenant or contract or agreement bond fide made or entered into on or before the said 16th of February by or on behalf of such body corporate, or of some resolution duly entered in the corporate books of such body corporate on or before the said 16th of February, shall (except as hereinafter provided) be made or executed by or on behalf of such body corporate before the 1st of September 1838 ; and that no contract, covenant, or agreement to convey or to charge such lands, tenements, or hereditaments, entered into after the passing of this Act, and before the said 1st of September, shall, except as hereinafter provided, be valid ; and no assignment, grant, or disposition of, or covenant or agreement to affect, any personal estate or estates of any such body corporate, which may be hereafter made before the said 1st of September, shall, except as hereinafter provided, be valid and effectual : Provided always, that nothing herein contained shall extend to such dispositions as may be made before the said 1st of September of any part of the real or personal estate of any such body corporate, for paying any just and lawful debt contracted by them before the said 16th of February 1836, or for paying any debt which any such body corporate shall have been or may be directed to pay by any order, judgment, or decree of any court of law or equity, or for defraying the legal salaries of necessary officers, and other legal and necessary disbursements of such body corporate.

II. That no person who shall have been appointed to any office or place of profit in or by any of the said bodies corporate since the said 16th of February 1836 shall be entitled, by reason of such appointment, to have any compensation for the loss of such office or place of profit, or of the fees and emoluments thereof, in case provision shall be hereafter made by Parliament for removing him or authorising his removal from such office or place of profit, or for amending or abolishing the same.

CAP. LXXV.

AN ACT to prolong for Ten Years Her Majesty's Commission for building new Churches.

(17th July 1837.)

By this Act,

After reciting the passing of 58 Geo. 3. c. 45, 59 Geo. 3. c. 134, 3 Geo. 4. c. 72, 5 Geo. 4. c. 103, 7 & 8 Geo. 4. c. 72, 1 & 2 Will. 4. c. 38, and 2 & 3 Will. 4. c. 61 ; and that it is expedient that the commission granted by His Majesty King George the Fourth in pursuance of the said Acts, and which by the aforesaid Act, 8 Geo. 4, is limited to the term of ten years from the 20th of July 1828, should continue in force for a further time :—

It is Enacted,

I. That the persons now appointed to be His Majesty's Commissioners for building new churches, or hereafter to be appointed to be Her Majesty's Commissioners for building new churches, and for the carrying into effect the aforesaid Acts and this Act, shall continue to be such Commissioners.

II. That from and after the passing of this Act the name and style of the said Commissioners shall be Her Majesty's Commissioners for building new churches, in lieu of the name and style of His Majesty's Commissioners for building new churches ; and the said commission shall continue in force for the term of ten years from the 20th of July 1838, and thence unto the end of the next session of Parliament, instead of the term of ten years last fixed as aforesaid, unless Her Majesty shall think fit sooner to revoke the said commission.

CAP. LXXVI.

AN ACT to impose Rates of Packet Postage on *East India* Letters and to amend certain Acts relating to the Post Office.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Power to reduce postage on colonial and inland letters.*
2. *East India packet postage.*
3. *Deficiency of Superannuation Fund to be paid out of the Post Office revenue.*
4. *Commencement of Act.*

By this Act,

After reciting that it is expedient to extend the power vested in Her Majesty's Postmaster General of reducing certain rates of postage by an Act passed in the present session of Parliament:—

It is Enacted,

I. That the Postmaster General may at any time, with the consent of the Lords of the Treasury, reduce all or any of the rates of postage on colonial and inland letters and any other British postage to such extent as the Lords of the Treasury shall from time to time direct.

And after reciting that arrangements may be made between Her Majesty's Postmaster General and the East India Company for establishing a Post communication by packet boats between Suex or Bassora or some other convenient port of the Red Sea or the Persian Gulf and the East Indies:—

It is Enacted,

II. That from and after such communication shall have been established there shall be charged and paid for letters transmitted by such packet boats between any such port and any port in the East Indies (letters transmitted by Her Majesty's Mediterranean packet boats to or from the United Kingdom only excepted) the following rates of postage; (that is to say,) for every single letter, 1s.; for every double letter, 2s.; for every treble letter 3s.; and for every letter of one ounce weight, whether it be a single or double or a treble letter, 4s., and for every quarter of an ounce beyond that weight the additional postage of a single letter; which rates the Postmaster General may, with the consent of the Lords of the Treasury, require to be paid on the letters being tendered or delivered in order to be forwarded between any such ports.

And after reciting that a fund was some years since established for the superannuation of old and infirm letter carriers, to be supported by contributions from letter carriers in proportion to the income or value of their respective walks or districts according to a certain scale and regulation made and approved by the then Postmaster General: And that by reason of the increased accommodations afforded to the public at various times since the establishment of the said fund the income and value of such walks or districts, and the emoluments of the letter carriers in respect of the same, have been considerably reduced, inasmuch that the contributions to the said fund are inadequate to support the same and to pay the superannuation allowances now chargeable thereon: And that it is just and expedient that the Commissioners of Her Majesty's Treasury should be empowered to direct any deficiency in the said fund to be paid out of the public revenue:—

It is Enacted,

III. That it shall be lawful for the Lords of the Treasury, in their discretion, to authorize and empower the Postmaster General from time to time to pay out of the revenue of the Post Office all such sum and sums of money as may be necessary for the purpose of making good any deficiency in the said fund, and of fully paying and satisfying the several superannuation allowances heretofore granted and made payable out of the same, and now charged and chargeable thereupon, until such time as the objects and purposes for which the said fund was established shall have been fully accomplished.

IV. That this Act shall come into operation on the 2nd of August 1837.

CAP. LXXVII.

AN ACT to assimilate the Practice of the Central Criminal Court to other Courts of Criminal Jurisdiction within the Kingdom of *England* and *Wales* with respect to Offenders liable to the Punishment of Death.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *No Report to be made to Her Majesty of the case of any capital convict at the Central Criminal Court.*
2. *The Judge before whom any offender already under sentence of death has been tried, may direct execution to be done on such offender.*

3. *The Court may abstain from pronouncing judgment on persons convicted of crimes liable to the punishment of death, and order the same to be entered of record.*
4. *Such record to have same effect as if pronounced.*
5. *Court to direct execution to be done on certain offenders.*
6. *Not to affect the royal prerogative.*
7. *Saving the rights of the City of London.*
8. *Act may be altered.*
9. *Public Act.*

By this Act,

After reciting that it is expedient to assimilate the practice of the Central Criminal Court to other courts of criminal judicature within the Kingdom of England and Wales with respect to offenders liable to the punishment of death,—

It is Enacted,

1. That from and after the passing of this Act it shall not be necessary that any report should be made to Her Majesty, her heirs and successors, in the case of any prisoner convicted before the said Central Criminal Court, and now under sentence of death, or who may be hereafter convicted before such Court and sentenced to the like punishment previously to such sentence being carried into execution; any law, usage, or custom to the contrary notwithstanding.

And with respect to offenders now under sentence of death :—

It is further Enacted,

II. That in case any Judge, being a Judge of one of the superior courts of Westminster Hall, before whom any such offender has been tried shall be of opinion that under the circumstances of such offender's case the sentence of the law ought to be carried into effect, it shall be lawful for such Judge and he is hereby required, as soon after the passing of this Act as conveniently may be, to order and direct execution to be done on such offender at such time and place as he shall think fit (the time so to be appointed not being less than seven days nor more than twenty-one days from the making of such order); and thereupon the sheriff, or other proper officer in whose custody any such offender shall be, shall carry such sentence into effect at such time and place as may be specified in such order.

III. That whenever any offender shall hereafter be convicted before the said Court of any crime for which such offender shall be liable to the punishment of death, and the Court shall be of opinion that under the particular circumstances of the case such offender is a fit and proper subject to be recommended for the royal mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer then being present in court to require and ask (whereupon such officer shall require and ask) if such offender hath or knoweth anything to say why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the Court shall and may and is hereby authorized to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment to order the same to be entered of record, and thereupon such proper officer as aforesaid shall and may and is hereby authorized to enter judgment of death on record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open court against such offender by the Court.

IV. That a record of every such judgment so entered as aforesaid shall have the like effect to all intents and purposes and be followed by all the same consequences as if such judgment had actually been pronounced in open court.

V. That whenever any offender shall hereafter be convicted before the said Court of any offence for which such offender shall be liable to and shall receive sentence of death, and the said Court shall be of opinion that under the circumstances of the case the judgment of the law ought to be carried into effect, it shall be lawful for the said Court and such Court is hereby required to order and direct execution to be done on such offender in the same manner as any Court of Assize is empowered to order and direct execution by the law as it stood before the passing of this Act.

VI. Provided, that nothing in this Act contained shall affect Her Majesty's royal prerogative of mercy.

VII. Provided, that nothing in this Act contained shall extend or be construed to extend to prejudice or affect the rights, interests, privileges, franchises, or authority of the Lord Mayor, Aldermen, and Recorder of the City of London, or their successors, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which at the time of making this Act the said Lord Mayor, Aldermen, and Recorder for the time being of the said city did or might lawfully use or exercise, except so far as is otherwise by this Act expressly provided.

VIII. That this Act may be amended or altered by any Act to be passed in this present session of Parliament.

IX. That this Act shall be deemed to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

CAP. LXXVIII.

AN ACT to amend an Act for the Regulation of Municipal Corporations in *England and Wales*.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. Election not to be questioned for title of presiding officers; provided that the person shall have taken upon himself the office.—*Proviso.*
2. All elections duly made since the 25th of December good, though the whole number of aldermen not elected.—*Nothing herein to affect any person in actions to try the right to office of profit.*
3. Elections before the election of assessors to be valid.
4. 5 & 6 Will. 4. c. 76. s. 43, in part repealed.—Two revising assessors to be chosen in like manner as the auditors are.
5. Burgess roll not to be questioned for the title of the mayor or assessors.
6. Burgess roll to be in force until revision of new burgess roll.
7. Corporations not dissolved by neglect to make new burgess roll.
8. As to reckoning a former person's rating and occupancy as part of a subsequent occupier's.
9. Rating in name of former occupier sufficient.
10. Provision for certain cases in which there has been equality of votes.
11. Repeal of provision relating to vacancies in the council.—*Provision in lieu thereof.*
12. Vacancies among the councillors or ward assessors, how to be supplied.
13. Mayor or councillor to convene a meeting of the council to supply vacancies in the office of alderman or mayor.
14. Manner of electing aldermen.
15. Auditors and assessors disqualified to be of the council.
16. In case of illness or incapacity of alderman at election.
17. Assessor may appoint a deputy.—*Appointment to be signified to the council.*
18. Poll may be closed if an hour has elapsed without a vote being tendered.
19. Mayor, aldermen, and councillors under this Act to continue as if elected in due time.
20. Proceedings on account of defects cured by this Act to be discontinued.
21. No advantage to be taken under this Act in actions brought by any corporation.
22. Power to take extracts from minutes, &c.
23. Proceedings of quo warranto against mayor, &c. to be commenced within twelve months.
24. Applications may be made to Court of King's Bench for a mandamus to put a burgess on the roll.
25. In case elections are not made within the time appointed by 5 & 6 Will. 4. c. 76, and this Act, the corporation may proceed to such elections on the following day.
26. Powers given to Court of King's Bench under 11 Geo. 1. c. 4, extended to elections under 5 & 6 Will. 4. c. 76, and this Act.
27. Freeman may be admitted who were entitled before the passing of 5 & 6 Will. 4. c. 76.
28. Money borrowed to discharge any pre-existing debt to be deemed a debt contracted before the passing of 6 & 7 Will. 4. c. 104.
29. Overseers may levy borough rates on parts exclusively of any parish within the limits of the borough.
30. Certain matters of local jurisdiction made cognizable by Justices of Peace for the county, &c.
31. Offences against local Acts made cognizable by borough Justices.
32. Before whom courts of record may be holden.
33. Orders, affidavits, &c. now made by or before the Recorder, may be made by or before the Registrar in absence of the Recorder.
34. Recorders to be sole Judges of borough courts in which they act as assessors.
35. Jurisdiction of court of record may be extended.
36. Jurors may be summoned more than once yearly when all who are qualified have been once summoned.
37. Councils of boroughs to have same powers as Justices in General or Quarter Sessions had in relation to building, &c. gaols, &c.
38. Justices of cities or boroughs to regulate gaols, &c. therein at quarterly sessions.
39. Mayor, &c. not to be interested in any contract for building, &c. gaols, &c.
40. Borough gaol may be built beyond the limits of the borough.
41. Gaols, &c. under county jurisdiction previous to 6 & 7 Will. 4. c. 103, excluded from the provisions of that Act.
42. Certain borough debtors and prisoners in contempt may be removed to the county gaol.
43. Period to which accounts shall be made up.
44. Orders for payment of money may be removed into the Court of King's Bench by certiorari.
45. Manner of transferring corporate property standing in the Bank books, &c.
46. Manner of transferring charitable property standing in the Bank books, &c.
47. By what authority and to whom dividends of charitable and corporate property standing in the Bank books, &c. shall be paid.
48. Receipts for monies, and application thereof.
49. Powers of the Act 5 & 6 Will. 4. c. 76, may be granted by the Crown to towns or boroughs, though not corporate.
50. Business be transacted at General or Quarter Sessions for the counties, &c. in which boroughs are situate.

By this Act,

After reciting the passing of 5 & 6 Will. 4. c. 76, providing among other things for the election of certain officers in manner and form therein declared, but such elections have not in all cases been duly made according to the provisions of the said Act: And that doubts are entertained by and before whom the meetings for such elections can now be convened and holden for the purpose of supplying such deficiencies: And that the elections of corporate officers and others are liable to be questioned by reason of any defect that may be in the title of the presiding officer before whom the election may have been had, notwithstanding that the election may have been otherwise good in all respects: for remedy thereof,—

It is Enacted,

1. That no election of any person into any corporate office which shall take place after the passing of this Act shall be liable to be questioned by reason of any defect in the title or want of title of the person before whom such election may have been

had, provided that the person before whom such election shall be had shall be then in the actual possession of or acting in the office giving the right to preside at such election; and, subject and without prejudice to the provisions for discontinuing proceedings hereinafter contained, all elections into any corporate office since the 25th of December 1835, in any borough named in either of the schedules (A.) and (B.) annexed to the said Act for regulating corporations, and all acts duly done in right of their office since the said 25th of December by the persons chosen at any such election, and all acts duly done by any person with reference to any such election, shall be good to all intents and purposes, notwithstanding any defect in the title or want of title in the person so presiding arising from the provisions of the said Act or of any former charter or any local custom not having been duly complied with, and notwithstanding that there may not have been at the time of the passing of the said Act any such body corporate as is named in the schedule (A.) or (B.) of the said Act in conjunction with the name of the borough in which such election may have been had, or any such officer as is charged by the said Act with the execution of such duties: Provided that the person or persons before whom or by whose authority any such election may have been had, or by whom any summons shall have been issued, or list made out or received, or other act done for holding or with reference to any such election, shall have *bond fide* taken upon himself the duties of the office giving right to preside at such election, or issue such summons or make out or receive such list, or do such act as aforesaid: Provided nevertheless, that nothing hereinbefore contained shall prevent any such election or act done by any person from being questioned and set aside by reason of any fraud or any irregularity or defect other than is hereinbefore specified: Provided also, that nothing in this Act contained shall extend to invalidate any payment *bond fide* made, or to invalidate or render valid any notice to quit given before the passing of this Act, or render liable to any penalty or punishment any person who would not have been liable to such penalty or punishment in case this Act had not been made.

II. That all elections duly made or other acts duly done since the said 25th of December at any meeting of the council or councillors of any borough named in either of the schedules of the said Act by a majority of the members of the council or councillors present at such meeting, the whole number present not being less than one-third part of the number of the whole council, shall be good notwithstanding that the whole or due number of aldermen may not have been then elected: Provided always, that nothing in this Act contained shall extend to affect the right of any person to prove the validity or invalidity of any election or act had or done before the passing of this Act, and hereby made good or valid, in any action already brought or hereafter to be brought to try the right to any office of profit, or to recover the profits or receipts thereof; and every such action in which it may be material to either party to prove the validity or invalidity of any such election or act shall be tried and decided to all intents and purposes as if this Act had not passed; provided, that such action shall be brought within twelve calendar months after the passing of this Act.

III. That all elections had before the passing of this Act, or to be had under this Act, in any borough named in either of the said schedules, at any time before the election of assessors for such borough, shall be as good as if had before the mayor and assessors jointly.

And after reciting that by the said Act it is provided, that in every case in which there shall be a division into wards of any borough the assessors who shall hold the court for revising the burgess lists with the mayor shall be the assessors of the mayor's ward; and it may be, in case the mayor be chosen from among the aldermen, that there is no mayor's ward in such borough:

It is Enacted,

IV. That so much of the said Act as provides that the assessors who shall hold the court for revising the burgess lists with the mayor shall be the assessors of the mayor's ward is hereby repealed; and in every borough divided into wards two assessors shall be chosen on the twenty-first day after the passing of this Act, and in every subsequent year on the 1st of March, or on the following day if that day be on a Sunday, to hold the court for revising the burgess lists with the mayor, in like manner as is provided in the said Act concerning the election of two auditors of such borough; and no burgess list which shall have been revised before the passing of this Act by the mayor alone, or by the mayor assisted by any other person or persons, shall be taken to have been ill revised by reason of the mayor not having been assisted by the assessors of the mayor's ward, but every such revised list, if otherwise revised according to the provisions of the said Act, shall be good, and the fair and true copy thereof, made according to the provisions of the said Act, shall be the burgess roll for the present year in that borough.

V. That after the passing of this Act no burgess roll shall be liable to be questioned by reason of any defect of title or want of title of the mayor or assessors by whom the same shall have been revised, or any or either of them, provided that he or they shall have been in the actual possession and exercise of the office of mayor or assessor, as the case may be.

VI. That in every borough in which by reason of any neglect or informality a new burgess roll of the said borough shall not have been duly made in any year within the time directed by the said Act, the burgess roll which was in force before the time appointed for the revision shall continue in force until such new burgess roll shall have been duly made.

VII. That no body corporate named in the schedules of the said Act for regulating corporations, in which no new burgess roll was made in the month of October last, shall therefore be taken to have been dissolved, but every such body corporate shall have and continue to have perpetual succession, and all the rights, powers, privileges, and liabilities which it would have had if the new burgess roll had been duly made; and in any case in which no councillors shall have been elected on the 1st of last November to supply the place of those who were then to go out of office according to the provisions of the said Act, the councillors who were to continue in office shall so continue in like manner and for the same time as if such new election had been duly made.

VIII. That in every case in which, under the provisions of the said Act for regulating corporations, any person shall be entitled to reckon the rating and occupancy of any house, warehouse, counting-house, or shop in any borough by any other person as part of his own rating and occupancy, it shall not be necessary, in support of the title of such person to be enrolled on the burgess roll, to prove that he was an inhabitant householder within the said borough, or within seven miles of the said borough, or that he was an occupant or rated within the same, before the title to such house or other property as aforesaid shall have devolved upon him.

ix. That the rating in the name of the person previously occupying shall be considered a sufficient rating of the person so entitled until a new rate shall be made subsequent to such devolution of title as aforesaid.

x. That in every borough named in the said schedules in which or in any ward or wards of which it is doubtful who should have gone out of the council in the month of November last, by reason of the same number of votes having been given for two or more persons, and by reason of the council not having determined who should then go out of office according to the provisions of the said Act for regulating corporations, all the councillors in such borough or ward respecting whose continuance in office any such doubt shall arise shall continue in office for the same time as if they had been elected on the said 1st of November now last past; and the council shall determine which of them shall go out of office on the 1st of November now next ensuing; and if the doubt shall extend to those who should have gone out of office on the 1st of November now next ensuing the council shall also determine which of them shall go out of office on the 1st of November 1838.

xi. That so much of the said Act for regulating corporations as provides that no new election of councillors shall be made by reason of any extraordinary vacancy in the office of councillor unless the number of councillors remaining after such vacancy shall not exceed two-thirds of the whole number of the council of the borough, is hereby repealed; and that every election of a councillor to supply any such extraordinary vacancy, either alone or together with other councillors, which shall have been had on the 1st of November last, shall be valid, although the number of councillors did then exceed two-thirds of the whole number of the council, and although such vacancy may have happened more than ten days previously to the said 1st of November last, if in other respects such election shall have been duly had according to the provisions for the annual election of councillors contained in the said Act for regulating corporations; and the councillor elected by the smallest number of votes at such election, if elected with other councillors, shall be the councillor elected to supply such extraordinary vacancy as aforesaid; and in every case in which more than one such extraordinary vacancy shall be so supplied the councillor elected by the smallest number of votes shall be taken to be elected in the room of him who would regularly have first gone out of office, and the councillor elected by the next smallest number of votes shall be taken to be elected in the room of him who would regularly have next gone out of office, and so with respect to the other.

xii. That in every borough named in the said Act in which by reason of any failure in complying with the directions of the said Act the full number of councillors or ward assessors hath not been elected according to the true intent and meaning of the said Act, the burgesses of the borough, or of the several wards in which the vacancies may be that ought to be filled up, as the case may be, shall on the fourteenth day after the passing of this Act openly assemble and elect the councillors and ward assessors, to be elected in the manner directed in the said Act; and the mayor, or if there shall be no mayor the councillor assessed to the poor to the greatest amount in respect of any messuage, land, tenement, tithe, or other hereditaments of which he is occupier and also owner within such borough, shall preside at such election in the case of a borough not divided into wards, and in the case of a borough divided into wards the councillors elected in each ward, shall separately choose the councillor who shall preside at the election of councillors and ward assessors in that ward, or in case a majority of them in any ward cannot agree, then the councillor elected in that ward who is assessed to the poor to the greatest amount in respect of any messuage, land, tenement, tithe, or other hereditaments of which he is occupier and also owner within the borough, shall preside at such election, and shall have in that behalf all the powers given by the said Act to the mayor of the borough in the first election of councillors.

xiii. That the mayor of every borough named in the said Act, and in which no alderman or less than the full number of aldermen shall have been elected, or if there shall be no mayor the councillor who shall be chosen for that purpose by the greatest number of councillors within the borough, or in case a majority of them shall not be able to agree, then the councillor chosen before the passing of this Act assessed and being occupier and owner as aforesaid to the greatest amount in the whole borough, shall within ten days after the vacancies (hereinbefore last mentioned) shall have been filled up convene a meeting of the council for the purpose of filling any vacancies in the office of alderman, or of mayor, or of mayor and alderman, as the case may be; and at every such meeting such mayor or councillor shall preside, and the council shall proceed to elect the aldermen then to be elected; and immediately after the election of aldermen, if any aldermen are then to be elected, the council shall proceed to elect a mayor, if there shall then be no mayor; and the councillor by whom the meeting was convened shall continue to preside at the election of mayor; and in every case of vacancy which may be occasioned among the councillors by reason of any such election of aldermen, and which ought to be filled according to the provisions of the said Act, the mayor shall convene a meeting of burgesses for the purpose of filling such vacancy in the manner provided by the said Act in the case of extraordinary vacancies in the office of councillor: Provided always, that the president of any such meeting of the council holden under the provisions of this Act for the election of a mayor or alderman in any borough in which there shall be no mayor shall have a second or casting vote in case of an equality of votes.

xiv. That after the passing of this Act the election of aldermen by the council shall be in manner following; that is to say, every member of the council entitled to vote in that election may vote for any number of persons, not exceeding the number of aldermen then to be chosen, by personally delivering at such meeting, to the mayor or chairman of the meeting, a voting paper containing the christian name and surname of the persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the member of council voting; and the mayor or chairman of the meeting, as soon as all the voting papers have been delivered to him, shall openly produce and read the same, and immediately afterwards deliver them to the town clerk, to be kept among the records of the borough; and in case of equality of votes among those entitled to vote the mayor or chairman shall have a casting vote, whether or not he may be entitled to vote in the first instance.

And after reciting that by the said Act for regulating corporations it is provided, that no burgess shall be eligible to be or be elected an auditor or assessor who shall be of the council;—

It is Enacted,

xv. That no burgess shall be eligible to be elected a member of the council while holding the office of assessor or elective auditor.

xvi. That in case of the illness or incapacity to act of any alderman at any election, the mayor shall be empowered to appoint another alderman to act in the room of such alderman during such illness or incapacity.

xvii. That every assessor shall be empowered and he is hereby directed as soon as conveniently may be after his election, and from time to time as the occasion may arise or to him may seem fit, to appoint under his hand a deputy to act for him in case of his illness or incapacity to act at any election or any revision of the burgess lists; and every such appointment shall be signified by him in writing under his hand to the council, and shall be recorded on the minutes of their proceedings.

xviii. That at any election under the provisions of the said Act or of this Act it shall be lawful for the presiding officer to close the poll at any time before four of the clock, if one hour shall have elapsed during which no vote shall have been tendered for any candidate; provided that no person or persons have within the last hour been prevented from coming to the poll by any riot, violence, or other unlawful means, of which notice shall have been given to the returning officer.

xix. That every mayor elected under the provisions of this Act shall continue in office until his successor shall have accepted the office of mayor, and shall have made and subscribed the declaration required in that behalf; and every alderman and councillor elected under the provisions of this Act shall continue in office for the same time as if he had been elected in the month of November last according to the directions of the said Act for regulating corporations.

xx. That every proceeding commenced before the passing of this Act, and still pending in the Court of King's Bench, against any person upon any ground on which it is herein declared that the validity of the election into any corporate office shall not be questioned, or for the purpose of bringing into question the validity of any election or act which is herein declared to be good, shall be discontinued immediately upon the passing of this Act, upon payment of the costs incurred up to that time; and the prosecutor or relator shall be entitled to receive from the defendant in every such proceeding all such costs, to be taxed as between attorney and client, according to the practice of such court.

xxi. That no advantage shall be taken of the invalidity of any election which shall be rendered valid by this Act in any action already brought or which may be hereafter brought by any corporation, but such action shall be tried on its merits, as if no such objection could be set up against the plaintiff's right of proceeding, but the Court in which such action is or shall be brought, or any Judge of the same court in vacation, shall on application of the defendant, if the Court or Judge think the invalidity of any such election would have been a defence to such action, order the plaintiff in any such action to pay such defendant his costs up to the time of the application, and also his costs of the application, taxed as between party and party.

xxii. That from and after the commencement of this Act any burgess of any borough shall be at liberty, at all reasonable times, to make any copy of or take any extract from the book required by the said Act to be kept for the purpose of entering the minutes of council, and also to make any copy or take any extract from any order in council of such borough for the payment of any money; and it shall also be lawful for any alderman or councillor of any borough, at all reasonable times, to make any copy of or take any extract from the book required by the said Act to be kept by the treasurer of such borough.

xxiii. That after the passing of this Act every application to the Court of King's Bench for the purpose of calling upon any person to shew by what warrant he claims to exercise the office of mayor, alderman, councillor, or burgess in any borough shall be made before the end of twelve calendar months after the election or the time when the person against whom such application shall be directed shall have become disqualified, and not at any subsequent time.

xxiv. That it shall be lawful for any person whose claim shall have been rejected or name expunged at the revision of the burgess roll of any of the said boroughs to apply, before the end of the term then next following, to the Court of King's Bench for a mandamus to the mayor for the time being of that borough to insert his name upon the burgess roll, and thereupon for the Court to inquire into the title of the applicant to be so enrolled; and if the Court shall award such mandamus, the mayor shall be bound to insert the name upon the burgess roll, and shall add therunto the words "By order of the Court of King's Bench," and shall subscribe his name to such words; and thereupon the person whose name shall be so added to the burgess roll shall be deemed a burgess, and entitled to vote and act as a burgess in all respects as if his name had been put upon the burgess roll by the mayor and assessors; and upon every such application the Court shall have power to make such order with respect to the costs as to the Court shall seem fit.

xxv. That after the passing of this Act, in case no election shall be made of any mayor, or any of the aldermen, councillors, or other corporate officers, in any borough named in the said schedules, upon the day or within the time appointed by the said Act for regulating corporations or by this Act for any such election, or such election being made shall afterwards become void, whether such omission or avoidance shall happen through the default of the officer or officers who ought to preside at such election, or by any accident or other means whatsoever, the corporation shall not thereby be deemed or taken to be dissolved or disabled from electing such mayor, alderman, or councillor, or other corporate officer, for the future, but in any case where no such election shall be made as aforesaid the election for any such mayor, alderman, councillor, or other corporate officer may be had, and proceeded with upon the day next after the day on which such election ought to have been made, unless such day shall happen to be on a Sunday, and then upon the Monday following, and every act necessary to be done in order to and for the completing such election shall and may be then done, and the same shall be as effectual and valid for all purposes as if the election had been made on the proper day appointed for that purpose.

xxvi. That after the passing of this Act all the powers, authorities, and jurisdictions by an Act, 11 Geo. 1. c. 4, intituled, 'An Act for preventing the Inconveniences arising from Want of Elections of Mayors or other Chief Magistrates of Boroughs or Corporations being made upon the Days appointed by Charter or Usage for that Purpose, and directing in what Manner such Elections should be afterwards made,' given to His Majesty's Court of King's Bench in cases where no election shall be made of the mayor, bailiff or bailiffs, or other chief officer or officers of cities, boroughs, or towns corporate, upon the day or within the time appointed by charter or usage for that purpose, and that no election is made pursuant to the directions in that Act prescribed, or such election being made shall afterwards become void as in that Act mentioned, shall and the same are hereby extended to all cases in which no election shall be made of any mayor, alderman, councillor, or other corporate officer,

or other person, to any corporate office, on the day or within the time appointed for any such election under the provisions of the said Act, 5 & 6 Will. 4. for regulating corporations, or of this Act; and the said Court of King's Bench is hereby empowered in all such cases to award a mandamus, and to cause such proceedings to be had thereupon, and to make such orders, and to do all other acts, matters, and things in respect thereof, as fully and effectually as the said Court is now by law authorised in any other cases of mandamus for the election of any officers of corporations; and the election to be held under such mandamus shall be held and the proceedings thereon conducted within the borough in the same manner and under the like regulations and provisions as are in the said Act, 11 Geo. 1. c. 4, enacted and provided.

XXVII. That every person who at the time of the passing of the said Act for regulating corporations was entitled to be admitted to the freedom of any borough named in the schedules to 5 & 6 Will. 4. c. 76, shall be entitled to be admitted thereunto in like manner, and subject to the same conditions, restrictions and limitations, in all respects, as any person who shall have acquired his title to such freedom after the passing of the last-recited Act.

And after reciting that by 6 & 7 Will. 4. c. 104, intituled, 'An Act for the better Administration of the Borough Fund in certain Boroughs,' it is enacted, that it shall be lawful for the council of any borough named in the Schedules (A.) and (B.) annexed to the first hereinbefore mentioned Act, to execute from time to time any deed or obligation in the name of the body corporate whose council they are for securing repayment and satisfaction of any debt or obligation contracted by or on behalf of the said body corporate before the passing of the said Act for regulating corporations:—

It is Enacted,

XXVIII. That any money borrowed by any such council for the purpose of being applied and which shall be actually applied in or towards satisfaction and discharge of any such pre-existing debt or obligation shall be deemed and taken to be within the true intent and meaning of the said Act of the last session of Parliament, a debt contracted by or on behalf of such body corporate before the passing of the said Act for regulating corporations.

And after reciting that the limits of boroughs in some cases extend over parts of parishes, townships, and places parochial or otherwise, leaving the remainder of such parishes, townships, and places without the limits of such boroughs; and doubts have arisen whether the said Act contains provisions under which the share which ought to be paid by the parts included within the limits of any borough of any borough rate to be levied in pursuance of the same Act can be assessed and levied upon such parts exclusively of the remainder not within the limits of the borough:—

It is Enacted,

XXIX. That the overseer or overseers of the poor of within any parish, township, or place whereof part lies within the limits of a borough as aforesaid, or any person or persons who, in pursuance of the powers contained by reference in the said Act, shall be appointed to act as overseer or overseers, shall and may and is and are hereby empowered to levy and raise, in manner directed by the said Act, upon such part exclusively of any parish, township, or place as is situate within the limits of such borough, such sum or sums of money as shall be required to pay every borough rate (including rates already paid by such overseer or overseers or other person or persons) assessed and to be hereafter assessed under the authority in the said Act, upon such part of any such parish, township, or place as lies within the limits of such borough.

XXX. That all matters cognizable by virtue of any local Act of Parliament or otherwise by any Justice of the Peace or by the General or Quarter Sessions of the Peace having jurisdiction within any place which since the passing of the said Act for regulating corporations, or of an Act, 6 & 7 Will. 4. c. 103, intituled, 'An Act to make temporary Provision for the Boundaries of certain Boroughs,' has ceased or which under any future Act may cease to be within and to be part of any borough or the liberties thereof, shall be cognizable by the Justices of the Peace or the General or Quarter Sessions of the county, riding, or division, liberty or jurisdiction, within which such place is situate, in the same manner and subject to the same provisions as the same were within the jurisdiction of the Justices of the Peace for that borough or place, or of the General or Quarter Sessions of the same.

XXXI. That after the passing of this Act all offences committed within any borough, or the precincts thereof, against the provisions of any local Act of Parliament, shall be cognizable by the Justices of such borough, and such Justices shall possess all the powers and jurisdiction with respect to such offences which were heretofore possessed by the Justices of any county, riding, division, liberty, or jurisdiction, by virtue of any such local Act: Provided always, that in every case in which imprisonment might be awarded for any such offence, or to enforce payment of any penalty imposed by any such Act, such imprisonment may be awarded to take place in any gaol to which the Justices of that borough have power to commit offenders.

XXXII. That every court of record for the trial of civil actions within any borough named in the Schedules to the said Act for regulating corporations may in the absence of the recorder be holden for all purposes within the competency of the said court (except the trial of issues in law or in fact) before any person whom the recorder shall from time to time appoint for that purpose under his hand and seal, such person being a barrister-at-law or attorney of five years practice.

XXXIII. That all rules, orders, and affidavits, and all other matters and things, (except the trial of issues in law or in fact,) in any way relating to the business of any borough court of record not regulated by local Act of Parliament, of which the recorder or his deputy is or hereafter may become the Judge or now acts as assessor, which must now by law be made, sworn, or done by or before such recorder or such deputy, or other the Judge of the said court, may be made, sworn, or done, either in court or out of court, in the absence of the said recorder or his deputy, by or before the registrar of such court, or such other person, being a barrister-at-law or attorney of five years standing, as the recorder shall appoint under his hand and seal.

XXXIV. That in every such borough court of record in which the recorder acts as assessor he shall after the passing of this Act be the sole Judge; and that the provisions of this Act, and of the said Act for regulating corporations, and also of an Act, 6 & 7 Will. 4. c. 105, intituled, 'An Act for the better Administration of Justice in certain Boroughs,' shall extend to all such courts of which the recorder now acts as assessor, or of which he shall hereafter become the Judge, anything in the last-mentioned Acts or either of them to the contrary notwithstanding.

xxxv. That if His Majesty shall be pleased, upon the joint petition of the council of any borough named in either of the schedules to the said Act for regulating corporations, and of the Justices of the adjoining county, riding, parts, or division of a county, in Quarter Sessions assembled, to grant that the jurisdiction of any court of record for the trial of civil actions, or of any court of requests or of conscience for the recovery of small debts within such borough, shall be extended over any district adjacent to the said borough, and within the jurisdiction of such Quarter Sessions, such as to His Majesty, with the advice of his Privy Council, shall seem fit, the jurisdiction of every such Court respectively shall be extended according to the tenor of the grant; and all the powers and provisions contained in the said Act for regulating corporations, and in an Act, 6 & 7 Will. 4. c. 105, intituled, 'An Act for the better Administration of Justice in certain Boroughs,' and in this Act, relating to any such Court, shall extend to the whole district comprised within such extended jurisdiction.

And after reciting that by the said Act for regulating corporations it is provided that no person shall be summoned to serve as a juror at the court of sessions of the peace, or court of record, in any borough named in either of the schedules to the said Act, oftener than once in one year:—

It is Enacted,

xxxvi. That nothing in the said Act contained shall prevent or excuse any person, qualified and liable to serve on any such jury from being summoned a second time in one year in case every person qualified and liable so to serve shall have been summoned once during that year.

xxxvii. That the several councils of the cities of Canterbury, Lichfield, and Lincoln, and of every other borough named in the schedules to the said Act for regulating corporations, shall have all the powers for building, enlarging, and repairing any gaol or house of correction belonging to their city or borough respectively which the Justices having the government or ordering of any gaol or house of correction in any city or borough within the provisions of 4 Geo. 4. c. 64, or of 5 Geo. 4. c. 85, had in General or Quarter Sessions before the passing of the said Act for regulating corporations; subject nevertheless to any alteration made in the last recited Acts, or either of them, by 5 & 6 Will. 4. c. 38, and all things by any Act of Parliament provided to be done at any General or Quarter Sessions of the Peace, in relation to the building, enlarging, or repairing any such gaol or house of correction, shall be done at some quarterly meeting of the council of the city or borough: Provided always, that before the building, enlarging, or repairing any such gaol or house of correction the expediency thereof shall first be certified under the hand of the recorder or other Judge of such city or borough: Provided also, that all rules and regulations made for the government of any prisoners confined in any such gaol or house of correction shall be approved by two or more Justices acting in and for that city or borough before they shall be transmitted to the Secretary of State.

xxxviii. That all the powers of regulation which before the passing of the said Act for regulating corporations were possessed by the Justices having the government or ordering of any such gaol or house of correction, and all things by any Act of Parliament provided to be done at any General or Quarter Sessions of the Peace in relation to the regulating of any such gaol or house of correction, shall, subject to any such alteration as aforesaid, be exercised or done by the Justices of the city or borough to which such gaol or house of correction shall belong, and for that purpose the Justices shall hold a quarterly session at the usual times of holding quarterly sessions of the peace; provided that no order made by the Justices in pursuance of these powers which shall require the expenditure or payment of any money shall be of force until confirmed by the council of that city or borough.

xxxix. That it shall not be lawful for any mayor, alderman, councilman, or other officer of a corporation, to be interested or concerned or employed, directly or indirectly, as an architect, builder, artist, mechanic, workman, merchant, trader, or otherwise howsoever in any part of the work to be done or materials to be supplied at any such gaol or house of correction, or in any contract whatever relating thereto; and if any one holding such office shall be so interested, concerned, or employed in such work or contract as aforesaid, he shall thenceforward be disqualified from continuing to hold such office, and also from being thereafter elected or appointed to fill any corporate office within any such city or borough.

xl. That it shall be lawful for the mayor, alderman, and burgesses of any borough, by their council, to contract for the purchase of, and to have and hold to them and their successors, any lands not exceeding in the whole five acres, either within or beyond the limits of the borough, and to build thereon a town hall, council house, police office, gaol or house of correction for the borough, any such gaol or house of correction, although built beyond the limits of the borough, may be declared by a resolution of the council, and upon such resolution shall be taken to be, the gaol or house of correction of the borough, and shall be within the same jurisdiction and shall be governed and regulated in like manner as if within the limits of the borough.

And after reciting that by the extension of the boundaries of certain boroughs, cities, and places, the county gaols, court houses, depôts for militia arms, and other public edifices and offices of counties have been included within the boundaries of those cities or boroughs, and are thereby subject to the jurisdiction of such cities or boroughs and of the sheriffs and other municipal authorities thereof; in remedy whereof—

It is Enacted,

xli. That all county gaols, courts, depôts for arms, and all lands, buildings, easements, and appurtenances thereunto belonging, which before the passing of the Act passed in the last session of Parliament to make temporary provision for the boundaries of certain boroughs, or the authorized extension of the boundaries of any borough since the passing of that Act, were in, of, or belonging to any county, shall be taken to be and considered and shall remain part and parcel of such county, and under the exclusive jurisdiction of the authorities of such county, as if the said last-mentioned Act had not passed.

xlii. That in every case in which by virtue of any contract made between the council of any borough and the Justices of any county, riding, parts, or division of a county, liberty, or jurisdiction, according to the provisions of the said Act for regulating corporations, the gaol belonging to such county, riding, parts, or division of a county, liberty, or jurisdiction shall be used as the gaol of such borough, prisoners for debt or in contempt arrested in any such borough under any process from any court may be taken and removed from such borough and confined in that part of such gaol which is appropriated to debtors,

and such removal shall not be taken to be an escape: Provided always, that every such prisoner shall still be taken to be within the legal custody of the person or persons in whose custody he would have been if imprisoned within the borough gaol, and the sheriff of such county, riding, parts, or division of a county, liberty, or jurisdiction shall not be answerable for the safe custody of any such prisoner: Provided also, that it shall be lawful for the person or persons in whose custody such prisoner would have been if imprisoned within the borough gaol to take such security from the gaoler or keeper of the gaol to which any such prisoner shall be so removed, for the safe custody of all such prisoners, as shall be agreed on between the council and Justices aforesaid.

And after reciting an Act, 6 & 7 Will. 4. c. 104, intituled, 'An Act for the better Administration of the Borough Fund in certain Boroughs,' providing among other things that accounts of the receipt and expenditure on account of the mayor, aldermen, and burgesses of such boroughs should be sent to one of His Majesty's principal Secretaries of State, and be laid before both Houses of Parliament;—

It is Enacted,

XLIII. That every such account shall be made up to the last period of audit of the said receipt and expenditure, and not further or otherwise.

And after reciting that it is expedient to give all persons interested in the borough fund of every borough a more direct and easy remedy for any misapplication of such fund;—

It is Enacted,

XLIV. That any order of the council of any borough for the payment of any sum of money from or out of the borough fund of any borough may be removed into the Court of King's Bench by writ of certiorari, to be moved for according to the usual practice of the said Court with respect to writs of certiorari; and that such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said Court.

XLV. That any stocks, funds, or public securities which may be standing in the books of the governor and company of the Bank of England, or of any other public company or society, in the name of the mayor, aldermen, and burgesses of any borough, either under their present or under any former style or title of incorporation, and the dividends and interest thereof, and all bonuses and accretions thereunto, which shall belong to the body corporate of such borough, without being subject to any trust for charitable purposes, may be transferred by and paid to such person or persons as the council of the said body corporate shall appoint by an instrument in writing under the corporate seal of the borough; provided that such instrument of appointment shall be signed and sealed also by the clerk to the charitable trustees of the borough, who is hereby directed, upon request, to sign and seal the same.

XLVI. That any stocks, funds, securities, and monies standing as aforesaid in the name of any such body corporate, which shall belong to the charitable trustees of the borough solely upon some charitable trust or trusts, may be transferred by and paid to such person or persons as shall be appointed under the hands and seals of the greater part of the trustees, which appointment shall be attested under the hand and seal of the said clerk, provided that such instrument as last aforesaid shall be also sealed with the corporate seal of the borough, and the mayor of the borough is hereby required, upon request, to cause the seal of the borough to be affixed to such instrument of nomination.

XLVII. That the dividends and interest of any stocks, funds, securities, and monies standing as aforesaid in the name of any such body corporate which shall belong partly to the said body corporate, but subject to some charitable trust or trusts, may be paid to such person or persons as shall be authorized to have the same paid to him or them, by an instrument in writing under the corporate seal of the borough, and appointed under the hands and seals of the greater part of the trustees, which appointment shall be attested under the hand and seal of the said clerk.

XLVIII. That in every case the receipt of the person or persons authorized to give a receipt to the said company or society, by any instrument under the corporate seal of the said borough, and also signed and sealed by the clerk to the charitable trustees, shall be an effectual discharge to the said company or society, and all monies so paid shall be applied to the uses and in the manner provided by the said Act; that is to say, so much of the said monies as may be held on charitable trusts shall be paid over to the charitable trustees of the said borough, and so much as the said body corporate shall be entitled to beneficially shall be paid over to the treasurer of the borough, and applied as directed by the said Act as part of the borough fund; but no such public company or society as aforesaid shall be bound to see to the due application thereof, or to the validity of the appointment of the clerk to the charitable trustees, or to the execution of any such instrument by any of the said trustees, or to inquire whether or not the said stocks, funds, securities, or monies are charged with or held upon any charitable trust; and every person authorized to receive any monies under this Act shall account to the council and to the charitable trustees respectively for all monies so received by him, and the council and trustees respectively shall have the same remedies against any such person refusing or wilfully neglecting so to account as are provided by the said Act for regulating corporations in the case of a treasurer or other officer appointed by the council refusing or wilfully neglecting to account, as provided by the said Act, during the continuance of his office, or within three months after the expiration of his office.

XLIX. That if the inhabitant householders of any town or borough in England or Wales shall petition His Majesty to grant to them a charter of incorporation, it shall be lawful for His Majesty, by any such charter, if he shall think fit by the advice of his Privy Council to grant the same, to extend to the inhabitants of any such town or borough within the district to be set forth in such charter all the powers and provisions of the said Act for regulating corporations, whether such town or borough be or be not a corporate town or borough, or be or be not named in either of the schedules to the said Act: Provided nevertheless, that notice of every such petition, and of the time when it shall please His Majesty to order that the same be taken into consideration by his Privy Council, shall be published in the *London Gazette* one month at least before such petition shall be so considered, but such publication shall not need to be by royal proclamation.

L. That, in all boroughs and places where General or Quarter Sessions of the Peace have under and by virtue of the said recited Act ceased or been discontinued to be holden, all such business, matters, and things which, under or by virtue of any general or local Act of Parliament, or any usage or custom, ought or were usually heard, decided, or transacted at such General or Quarter Sessions by the Justices of the Peace, with the assistance of any juries there assembled, shall and may hereafter be heard, decided and transacted by the General or Quarter Sessions of the Peace for the counties, ridings, or divisions, liberties, or jurisdictions in which such boroughs are situate, and by the Justices of the Peace and juries there assembled respectively.

CAP. LXXIX.

AN ACT to apply the Sum of Five Millions two hundred and twenty thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-seven, and to appropriate the Supplies granted in this Session of Parliament.

(17th July 1837.)

CAP. LXXX.

AN ACT to exempt certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury.

(17th July 1837.)

By this Act,

After reciting that by 4 Will. 4. c. 98, bills of exchange and promissory notes made payable at or within three months after the date thereof, or not having more than three months to run, and certain transactions in respect of such bills, were exempted from the operations of the statutes relating to usury; and it is desirable to extend such exemptions :—

It is Enacted,

That from and after the passing of this Act, and till the 1st of January, 1840, no bill of exchange or promissory note made payable at or within twelve months after the date thereof, or not having more than twelve months to run, shall by reason of any interest taken thereon or secured thereby, or any agreement to pay or receive or allow interest in discounting, negotiating, or transferring the same, be void, nor shall the liability of any party to any bill of exchange or promissory note be affected, by reason of any statute or law in force for the prevention of usury; nor shall any person or persons or body corporate drawing, accepting, indorsing, or signing any such bill or note, or lending or advancing any money, or taking more than the present rate of legal interest in Great Britain and Ireland respectively for the loan of money on any such bill or note, be subject to any penalties under any statute or law relating to usury, or any other penalty or forfeiture; anything in any law or statute relating to usury, or any other law whatsoever in force in any part of the United Kingdom, to the contrary notwithstanding.

CAP. LXXXI.

AN ACT to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in England and Wales.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Payment of watch rate.*
2. *Council of borough empowered to levy a rate for carrying former Act into execution.*
3. *Regulating the collection of borough and county rates in divided places.*

By this Act,

After reciting that by 6 Will. 4. c. 76, authority was given to the council of any borough in certain cases to levy a borough rate, and in certain other cases to levy a watch rate, and the same powers and authorities were thereby given to them for that purpose as by law are given to Justices of the Peace at sessions with respect to a county rate: And that no authority is thereby given to the churchwardens or overseers of the poor of any parish or place, or other persons, who may thereby be legally ordered to pay or levy such rate, to pay the same out of the poor rate of such respective parishes or places, or otherwise to levy the same upon the inhabitants thereof:—

It is Enacted,

I. That in all cases where by the said Act or by this Act a borough rate or watch rate may be made and levied in any borough, the council of such borough may order the churchwardens and overseers of every parish or place within which such rate may be levied, or such other persons as by law may make a poor rate for any such parish or place within the limits of such borough, to pay the amount of such part and portion of such rate for which such parish or place respectively shall be liable out of the poor rate, made and collected or to be made or collected for such parish or place; or the said council, instead of ordering such churchwardens and overseers or other persons to pay the same out of the poor rate, may order them to make and collect a certain pound rate upon and from the occupiers or possessors of all rateable property within which such parish or place, for the amount of the rate for which such parish or place may be liable as aforesaid; and if such churchwardens, overseers, and other persons, upon being so ordered to pay such rate out of the poor rate, or to make and collect a pound rate as aforesaid, shall refuse or neglect to do so, the amount thereof may be made and levied off the goods of them or any of them by distress by virtue of a warrant in that behalf under the hand and seal of the mayor of such borough or of any two Justices of the Peace in and for the same; or if any person liable to pay such pound rate shall neglect or refuse to pay the same, the amount thereof may be levied upon his goods by distress in like manner.

II. That it shall be lawful for the council of any such borough, at any time within six calendar months next after the passing of this Act, to make and levy a borough rate for the purpose of defraying any expenses incurred before the passing of this Act in putting in execution the provisions of the said Act for regulating corporations; and every such rate shall be made, levied, and recovered in the manner provided by the said Act for regulating corporations and by this Act.

III. Provided, That in every case in which any parish or place liable to support its own poor shall be partly within and partly without any such borough, and in the case of every extra-parochial place wholly or partly within any such borough, the council of the borough shall appoint one or more proper person or persons to act as overseer or overseers within that part of such parish or any such place which is within the borough, for making, levying, and collecting any such borough rate or watch rate therein; and in every such case of a divided parish or place, if the borough is not liable to the county rate, the Justices of the Peace having jurisdiction over that part of such parish or place which is not within the borough shall appoint one or more proper person or persons to act as overseer or overseers within that part of such parish or place which is not within the borough, for making, levying, and collecting the county rate therein; and the person or persons so respectively to be appointed shall have the like powers vested in him or them, and shall be subject to the same regulations and penalties, for levying and collecting any such borough rate, watch rate, or county rate within that part of such parish or place for which he or they is or are appointed, as if he or they was or were appointed overseer or overseers of the poor under any law or laws now or hereafter to be in force.

CAP. LXXXII.—IRELAND.

AN ACT to amend the Law relating to Grand Juries in *Ireland*, so far as to empower the Grand Jury of the County of *Fermanagh* to reconstruct the Baronial Subdivisions of the said County.

(17th July 1837.)

By this Act,

After reciting that by 6 & 7 Will. 4. c. 116, a power was given to the grand jury of any county in Ireland to divide any barony or half barony into one or more subdivisions for the purpose of that Act, provided such barony or half barony did contain forty-five thousand acres, and to unite any two baronies or portions of baronies, provided the baronies or portions so united did not contain more than forty thousand acres: And that by reason of the county of Fermanagh being divided in its entire length by the waters of Lough Erne, the baronies are divided and intersected by the said Lough, to the great inconvenience of the inhabitants as regards the applotment, levy, and expenditure of the public money, and the holding of special sessions under the above-named Act; and that it is expedient that the grand jury of the said county of Fermanagh be empowered to alter the baronial divisions thereof:—

It is Enacted,

I. That it shall and may be lawful for the grand jury of the county of Fermanagh, by presentment, to divide any barony or half barony thereof into one or more subdivisions, each whereof shall, for all purposes relating to the presenting, raising, and levying of money for any matter or thing for which presentment may be lawfully made by grand juries, be deemed and taken to be a barony or half barony, as such grand jury shall present the same; and it shall be lawful for the grand jury of the county of Fermanagh to unite any two baronies, or any barony or any portion of any barony or baronies, into one, for the purposes of this Act, and for all purposes relating to the presenting, raising, and levying of money for any matter or thing for which presentment may be lawfully made by grand juries in Ireland.

II. That the grand jury of the county of Fermanagh shall have power and authority to fix the time from and after which the said division into baronies or half baronies shall take effect, and are hereby required to nominate committees of appeal for such intended baronies or half baronies, pursuant to 6 & 7 Will. 4. c. 84.

III. That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present session of Parliament.

CAP. LXXXIII.

AN ACT to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Clerks of the peace, &c. to receive the documents herein mentioned, and retain them for the purposes directed by the standing orders of the Houses of Parliament.*
2. *Clerks of the peace, &c. to permit such documents to be inspected or copied by persons interested.*
3. *Clerks of the peace, &c. for every omission to comply with the provisions of this Act, liable to the penalty of 5*l.* to be recovered in a summary way.*

By this Act,

After reciting that the Houses of Parliament are in the habit of requiring that, previous to the introduction of any bill into Parliament for making certain bridges, turnpike roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks, and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans, or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding, or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the pariah clerk of every pariah in England, the schoolmaster of every pariah of Scotland, or in royal burghs with the town clerk, and the Postmaster of the post town in or nearest to every pariah in Ireland, in which such work is intended to be made, and with other persons; and that it is expedient that such maps, plans, sections, books, writings, and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, pariah clerks, schoolmasters, town clerks, postmasters, and other persons, and should remain in their custody for the purposes hereinafter mentioned:—

It is Enacted,

I. That whenever either of the Houses of Parliament shall by its standing orders, already made or hereafter to be made, require that any such maps, plans, sections, books, or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies, and extracts shall be received by and shall remain with the clerks of the peace, sheriff clerks, pariah clerks, schoolmasters, town clerks, postmasters, and other persons with whom the same shall be directed by such standing orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner, and for the purposes, and under the rules and regulations concerning the same respectively directed by such standing orders, and shall make such memorials and indorsements on and give such acknowledgments and receipts in respect of the same respectively as shall be thereby directed.

II. That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, pariah clerks, schoolmasters, town clerks, and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the pariah, schoolmaster, town clerk, or postmaster, having the custody of any such map, plan, section, book, writing, extract, or copy, one shilling for every such inspection, and the further sum of one shilling for every hour during which such inspection shall continue after the first hour, and after the rate of sixpence for every one hundred words copied therefrom.

III. That in case any clerk of the peace, sheriff clerk, pariah clerk, schoolmaster, town clerk, postmaster, or other person shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, pariah clerk, schoolmaster, town clerk, postmaster or other person shall for every such offence forfeit and pay any sum not exceeding the sum of 5*l.*; and every such penalty shall, upon proof of the offence before any Justice of the Peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recovery thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such Justice, which warrant such Justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such Justice of the Peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such Justice; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing had been exhibited.

CAP. LXXXIV.

AN ACT to abolish the Punishment of Death in Cases of Forgery.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons convicted of any of the offences herein mentioned to be liable to be transported.*
2. *So much of 2 & 3 Will. 4. c. 123, 3 & 4 Will. 4. c. 51. s. 27, and 3 & 4 Will. 4. c. 44, as relates to the punishment of certain offences, repealed; and such offences to be punished by transportation for life or for years.*
3. *Persons convicted of offences punishable by imprisonment may be kept to hard labour and to solitary confinement.*
4. *Not to affect powers of 5 & 6 Will. c. 38, and 4 Geo. 4. c. 64.*
5. *Commencement of Act.*

By this Act,

After reciting that by 1 Will. 4. c. 66, it was amongst other things enacted, that if any person should forge or alter, or should offer, utter, dispose of, or put off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary writing, with intent in any of the cases aforesaid to defraud any person whatsoever, every such offender should be guilty of felony, and being convicted thereof should suffer death as a felon; and it was by the said Act further enacted, that if any person should forge or alter, or should utter knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any stock, annuity, or other public fund which then was or thereafter might be transferrable at the Bank of England or at the South Sea House, or of or in the capital stock of any body corporate, company, or society which then was or thereafter might be established by charter or Act of Parliament, or to receive any dividend payable in respect of any such share or interest, with intent in any of the several cases aforesaid to defraud any person whatsoever, every such offender should be guilty of felony, and being convicted thereof should suffer death as a felon; and it was by the said Act further enacted, that in the case of every felony punishable under that Act every principal in the second degree, and every accessory before the fact, should be punishable with death or otherwise in the same manner as the principal in the first degree was by that Act punishable: And that by 2 & 3 Will. 4. c. 59, it was amongst other things enacted, that if any person should forge, counterfeit, or alter, or should cause or procure to be forged, counterfeited, or altered, or should knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any declaration, warrant, order, or other instrument, or any affidavit or affirmation required to be made by that Act, or by the Commissioners for the Reduction of the National Debt, under any of the provisions of that Act, or under any authority given to them for that purpose; or should forge, counterfeit, or alter, or should cause or procure to be forged, counterfeited, or altered, or should knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any certificate or order of any officer of the Commissioners for the Reduction of the National Debt, or the name or names of any person or persons in or to any transfer of any annuity, or in or to any certificate, order, warrant, or other instrument for the payment of money for the purchase of any annuity under the provisions of that Act, or in or to any transfer or acceptance of any such annuity in the books of the Commissioners for the Reduction of the National Debt, or in or to any receipt or discharge for any such annuity, or in or to any receipt or discharge for any payment or payments due or to become due thereon, or in or to any letter of attorney or other authority or instrument to authorize or purporting to authorize the transfer or acceptance of any annuities or any life annuity of whatsoever kind, or authorizing or purporting to authorize the receipt of any life annuity of whatsoever kind, granted under any of the Acts therein recited or that Act, or any payment or payments due or to become due thereon; or if any person should wilfully, falsely, and deceitfully personate any true and real nominee or nominee, or should wilfully utter, or deliver or produce to any person or persons acting under the authority of that Act, any forged register or copy of register of any birth, baptism, or marriage, or any forged declaration, affidavit, or affirmation, knowing the same to be forged, counterfeited, or altered, with intent to defraud His Majesty, his heirs and successors, or with intent to defraud any person or persons whomsoever; then and in every such case all and every person or persons so offending, and being lawfully convicted thereof, should be adjudged guilty of felony, and suffer death: And that by 2 & 3 Will. 4. c. 123, it was amongst other things enacted, that notwithstanding anything thereinbefore contained that Act should not be construed to affect or alter the said recited Act of the first year of His late Majesty, or any other Act or law then in force, so far as the same might authorize the punishment of death to be inflicted upon any person convicted either in England, Scotland, or Ireland of forging or altering, or of offering, uttering, or disposing of, knowing the same to be forged or altered, any will, testament, codicil, or testamentary writing, with intent to defraud any body corporate or person whatsoever, or of forging or altering, or of uttering knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in stock, annuity, or other public fund which then was or thereafter might be transferrable at the Bank of England or South Sea House, or at the Bank of Ireland, or to receive any dividend payable in respect of any such share or interest, with intent to defraud any body corporate or person whatsoever, or of procuring, aiding, or assisting in the commission of any of the said offences, but that the punishment for each and every of the said offences, and for the procuring, aiding, or assisting in the commission thereof, should continue to be the same as if the Act now in recital had not been passed: And that by another Act, 2 & 3 Will. 4. c. 125, it was amongst other things enacted, that if any person or persons should forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any certificate or certificates of the Commissioners by the said Act now in recital appointed as therein mentioned, or any of them, or any receipt or receipts to be given by the cashier or cashiers of the Governor and Company of the Bank of England in pursuance of that Act, or should wilfully deliver to the Auditor of the Receipt of His Majesty's Exchequer for the time being, or to any officer appointed by him, or to the said Commissioners by that Act appointed, or any of them, or to any officer or officers appointed by them or any of them, in the execution of the powers of that Act, or should utter, any such

forged, counterfeited, or altered certificate or certificates, receipt or receipts, knowing the same to be forged, counterfeited, or altered, with intent to defraud His Majesty, his heirs or successors, or any body or bodies politic or corporate, or any person whomsoever, then and in every such case all and every person or persons so offending, and being thereof lawfully convicted, should be adjudged guilty of felony, and should suffer death as in cases of felony: And that by 5 & 6 Will. 4. c. 45, it was amongst other things enacted, that if any person or persons should forge or counterfeit, or cause or procure to be forged or counterfeited, or should willingly act or assist in the forging or counterfeiting, any receipt or receipts for the whole or of any part or parts of the contributions towards the sum of Fifteen Millions, in the said Act now in recital mentioned to be part of a sum of Twenty Millions authorised to be raised by the said Act of 3 & 4 Will. 4, either with or without the name or names of any person or persons being inserted therein as the contributor or contributors thereto, payer or payers thereof, or of any part or parts thereof, or any certificate or other instrument to be issued by the Commissioners for the Reduction of the National Debt, or should alter any number, figure, or word therein, or utter or publish as true any such false, forged, counterfeited, or altered receipt or receipts, certificate or certificates, instrument or instruments, with intent to defraud the Governor and Company of the Bank of England, or the Commissioners for the Reduction of the National Debt, or any body politic or corporate, or any person or persons whatsoever, every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due form of law, should be adjudged guilty of felony, and should suffer death as a felon, without benefit of clergy: And that by 5 & 6 Will. 4. c. 51, it was amongst other things enacted, that all and every the several clauses, powers, provisions, enactments, penalties, and restrictions in the said hereinbefore recited and lastly hereinbefore mentioned Act, 2 & 3 Will. 4, contained, so far as the same could be made applicable and were not varied by the said Act now in recital, should be taken to extend to that Act, and to everything to be done in pursuance of that Act, and as if all such clauses, powers, provisions, and enactments were therein repeated and made applicable to the said island of Dominica, and to the loans and grants to be made in pursuance of the said Act now in recital, and to every matter and thing to be done in pursuance of that Act: And whereas the said lastly hereinbefore mentioned Act, 2 & 3 Will. 4, (so far as the same is hereinbefore recited) is applicable to and in nowise varied by the said lastly hereinbefore recited Act: And that it is expedient that none of the hereinbefore mentioned offences should henceforth be punishable with death:—

It is Enacted,

I. That if any person shall after the commencement of this Act be convicted of any of the offences hereinbefore mentioned, such person shall not suffer death, or have sentence of death awarded against him or her for the same, but shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years.

And after reciting that by the said recited Act, 2 & 3 Will. 4. c. 123, for abolishing the punishment of death in certain cases of forgery, persons convicted of the forgeries and other offences connected therewith therein respectively referred to are liable to be transported beyond the seas for life: And that by an Act 3 & 4 Will. 4. c. 51, it was amongst other things enacted, that if any person or persons should knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the name or handwriting of any Receiver General of the Customs, or of any Comptroller General of the Customs, or of any person acting for them respectively as aforesaid, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England, on account of the Receiver General of the Customs; or should forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any draft instrument, or writing in form of a draft made by such Receiver General or person as aforesaid, or should utter or publish any such knowing the same to be forged or counterfeited, with an intention to defraud any person whomsoever; every such person or persons so offending, being thereof lawfully convicted, should be and was and were thereby declared and adjudged to be guilty of felony, and should be transported beyond the seas for life: And that by an Act, 4 Will. 4, intituled, 'An Act to repeal so much of two Acts of the Seventh and Eighth Years and Ninth Year of King George the Fourth as inflicts the Punishment of Death upon persons breaking, entering, and stealing in a Dwelling House; also for giving Power to the Judges to add to the Punishment of Transportation for Life in certain Cases of Forgery, and in certain other Cases, persons punishable by transportation for life under the said recited Act, 2 & 3 Will. 4, for abolishing the punishment of death in certain cases of forgery, are liable, previously to their being transported, in case the Court before whom such persons shall be convicted shall think fit, to be imprisoned, with or without hard labour, in the common gaol or house of correction, or to be confined in the Penitentiary, for any term not exceeding four years nor less than one year: And that it is expedient to repeal the said three lastly hereinbefore in part recited Acts, so far as relates to the punishment of persons liable to be transported for life, in order that a more discretionary punishment may be substituted for the same:—

It is Enacted,

II. That so much of the said three lastly hereinbefore in part recited Acts as relates to the punishment of persons convicted of offences for which they are liable under the said Act, 2 & 3 Will. 4, or the said Act, 3 & 4 Will. 4, to be transported for life shall, from and after the commencement of this Act, be and the same is hereby repealed; and that from and after the passing of this Act every person convicted of any of such offences shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years.

III. That when any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned, with or without hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

iv. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in an Act, 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

v. That this Act shall commence and take effect on the 1st of October 1837.

CAP. LXXXV.

AN ACT to amend the Laws relating to Offences against the Person.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of certain provisions of recited Acts.*
2. *Punishment for administering poison or doing other bodily injury with intent to commit murder.*
3. *Punishment for offences with intent to commit murder though no bodily injury effected.*
4. *Punishment for cutting and maiming with intent to disfigure.*
5. *Punishment for sending explosive substances or throwing destructive matter with intent to do bodily harm.*
6. *Punishment for trying to procure abortion.*
7. *Punishment of accessaries.*
8. *Offences punishable by imprisonment.*
9. *Not to affect powers of 5 & 6 Will. 4. c. 38, and 4 Geo. 4. c. 64.*
10. *Offences committed within the jurisdiction of the Admiralty.*
11. *Court empowered to imprison for three years in certain cases.*
12. *Not to extend to Scotland.*
13. *Commencement of Act.*

By this Act,

After reciting that it is expedient to amend so much of 9 Geo. 4. c. 31, and also so much of 10 Geo. 4. c. 34, as relates to any person who shall unlawfully and maliciously administer or attempt to administer to any person, or who shall cause to be taken by any person, any poison or other destructive thing, or who shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or who shall counsel, aid, or abet therein; and so much of the same Acts or either of them as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or who shall unlawfully and maliciously stab, cut, or wound any person, or who shall unlawfully and maliciously throw or cast at or upon or otherwise apply to any person any corrosive or noxious liquid or substance, with any of the intents in the same Acts mentioned, or who shall counsel, aid, or abet therein; and so much of the same Acts as relates to any person who shall use any of the ways or means therein mentioned with intent to procure the miscarriage of any woman, or who shall counsel, aid, or abet therein; and so much of the same Acts as relates to the punishment of accessaries after the fact to such of the felonies punishable under those Acts as are hereinbefore referred to:—

It is Enacted,

i. That so much of the said Acts as is hereinbefore referred to shall continue in force until and throughout the 30th of September 1837, and shall from and after that day be repealed, except as to offences committed before or upon the said 30th of September, which shall be dealt with and punished as if this Act had not been passed.

ii. That whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

iii. That whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

iv. That whosoever unlawfully and maliciously shall shoot at any person, or shall, by drawing a trigger or in any other manner, attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted

thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

v. That whosoever shall unlawfully and maliciously send or deliver to or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby in any of the cases aforesaid any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

vi. That whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

vii. That in the case of every felony punishable under this Act every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

viii. That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

ix. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in an Act, 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

x. That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

xi. That on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the Court shall have power to imprison the person so found guilty of an assault for any term not exceeding three years.

xii. Provided, that nothing in this Act contained shall extend to Scotland.

xiii. That this Act shall commence and take effect on the 1st of October 1837.

CAP. LXXXVI.

AN ACT to amend the Laws relating to Burglary and stealing in a Dwelling House.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Revised Acts in part repealed after 30th of September 1837, except as to offences on or before that day.*
2. *Burglars using violence to suffer death.*
3. *Punishment of burglary.*
4. *Between what hours the breaking into a house is to be considered as burglary.*
5. *Stealing in a dwelling house with menace or threat.*
6. *Punishment of accessories.*
7. *Offences punishable by imprisonment.*
8. *Not to affect powers of 5 & 6 Will. 4. c. 38, and 4 Geo. 4. c. 64.*
9. *Construction of the word "property."*
10. *Offences committed within jurisdiction of Admiralty.*
11. *Not to extend to Scotland.*
12. *Commencement of Act.*

By this Act,

After reciting that it is expedient to amend so much of an Act, 7 & 8 Geo. 4. c. 29, and 9 Geo. 4. c. 55, as relates to the punishment of any person convicted of burglary, and so much of the same Acts as relates to any person who shall steal any chattel, money, or valuable security, to any value whatever, in any dwelling house, any person therein being put in fear, and so much of the same Acts as relates to the punishment of principals in the second degree, and of accessories before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to:—

It is Enacted,

I. That so much of the said Acts as is hereinbefore referred to shall continue in force until and throughout the 30th day of September 1837, and shall from and after that day be repealed, except as to offences committed before or upon the said 30th day of September, which shall be dealt with and punished as if this Act had not been passed.

II. That whosoever shall burglariously break and enter into any dwelling house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

III. That whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than ten years, or to be imprisoned for any term not exceeding three years.

IV. Provided, that, so far as the same is essential to the offence of burglary, the night shall be considered and is hereby declared to commence at nine of the clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day.

V. That whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, shall be guilty of felony, and being convicted thereof shall be liable to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

VI. That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

VII. That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender should be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

VIII. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in an Act, 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

IX. That the word "property" shall throughout this Act be deemed to denote every thing included under the words "chattel, money, or valuable security" used in the said Acts 7 & 8 and 9 Geo. 4.

X. That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

XI. Provided, that nothing in this Act contained shall extend to Scotland.

XII. That this Act shall commence and take effect on the 1st of October 1837.

CAP. LXXXVII.

AN ACT to amend the Laws relating to Robbery and Stealing from the Person.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of provision in recited Acts.*
2. *Punishment of robbery attended with cutting or wounding.*
3. *Punishment of robbery attended with violence.*
4. *Punishment for obtaining property by threat of accusing of unnatural crimes.*

5. *Punishment of stealing from the person.*
6. *Punishment for assault with intent to rob.*
7. *Punishment for attempting to obtain property by menace.*
8. *Punishment for wrecking.*
9. *Punishment of accessories.*
10. *Offences punishable by imprisonment.*
11. *Not to affect powers of 5 & 6 Will. 4. c. 38, and 4 Geo. 4. c. 64.*
12. *Construction of the word "Property."*
13. *Offences committed within the Admiralty jurisdiction.*
14. *Not to extend to Scotland.*
15. *Commencement of Act.*

By this Act,

After reciting that it is expedient to amend so much of 7 & 8 Geo. 4. c. 29, and 9 Geo. 4. c. 55. as relates to any person who shall rob any other person of any chattel, money, or valuable security, or who shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces or by force demand any such property of any other person with intent to steal the same; and so much of the same Acts as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime with a view or intent to extort or gain from him, and who shall by intimidating him by such accusation or threat, extort or gain from him any chattel, money, or valuable security; and so much of the same Acts as relates to any person who shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel; and so much of the same Acts as relates to the punishment of principals in the second degree and of accessories before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to:—

It is Enacted,

I. That so much of the said Acts as is hereinbefore referred to shall continue in force until and throughout the 30th of September 1837, and shall from and after that day be repealed, except as to offences committed before or upon the said 30th of September, which shall be dealt with and punished as if this Act had not been passed.

II. That whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut, or wound any person, shall be guilty of felony, and being convicted thereof shall suffer death.

III. That whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall, together with one or more person or persons, rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or immediately after such robbery shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

IV. That whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent in any of the cases aforesaid to extort or gain from such person, and shall by intimidating such person by such accusation or threat extort or gain from such person any property, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of his or her natural life, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

V. That whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding ten years.

VI. That whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof shall (save and except in the cases where a greater punishment is provided by this Act) be liable to be imprisoned for any term not exceeding three years.

VII. That whosoever shall, with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years.

VIII. That whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

IX. That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

X. That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any

portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

XI. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in an Act, 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

XII. That the word "property" shall throughout this Act be deemed to denote everything included under the words "chattel, money, or valuable security" used in 7 & 8 Geo. 4. c. 29, and 9 Geo. 4. c. 55, respectively.

XIII. That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

XIV. Provided, That nothing in this Act contained shall extend to Scotland.

XV. That this Act shall commence and take effect on the 1st of October 1837.

CAP. LXXXVIII.

AN ACT to amend certain Acts relating to the Crime of Piracy.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of provisions in recited Acts.*
2. *Punishment of piracy when murder is attempted.*
3. *Persons guilty of piracy to be transported.*
4. *Punishment of accessaries.*
5. *Offences punishable by imprisonment.*
6. *Not to affect powers of 5 & 6 Will. 4. c. 38. and 4 Geo. 4. c. 64.*
7. *Commencement of Act.*

By this Act,

After reciting that it is expedient to amend so much of 28 Hen. 8. c. 15, 11 & 12 Will. 3. c. 7, 4 Geo. 1. c. 11. s. 7, 8 Geo. 1. c. 24, and 18 Geo. 2. c. 30, as relates to the punishment of the crime of piracy, or of any offence by any of the said Acts declared to be piracy, or of accessaries thereto respectively :—

It is Enacted,

I. That so much of the said several Acts as is hereinbefore referred to shall from and after the commencement of this Act be and the same is hereby repealed.

II. That from and after the commencement of this Act whosoever, with intent to commit or at the time of or immediately before or immediately after committing the crime of piracy in respect of any ship or vessel, shall assault, with intent to murder, any person being on board of or belonging to such ship or vessel, or shall stab, cut, or wound any such person, or unlawfully do any act by which the life of such person may be endangered, shall be guilty of felony, and being convicted thereof shall suffer death as a felon.

III. That from and after the commencement of this Act whosoever shall be convicted of any offence which by any of the Acts hereinbefore referred to amounts to the crime of piracy, and is thereby made punishable with death, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

IV. That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

V. That where any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour, in the common goal or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

VI. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Govern-

ment of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Goals and Houses of Correction in England and Wales.'

VII. That this Act shall commence and take effect on the 1st of October 1837.

CAP. LXXXIX.

AN ACT to amend the Laws relating to burning or destroying Buildings and Ships.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of provisions in recited Acts.*
2. *Setting fire to a dwelling house any person being therein.*
3. *Setting fire to a church or chapel, house, warehouse, &c.*
4. *Setting fire to ships or vessels with intent to commit murder.*
5. *Hanging out false lights to cause shipwreck.*
6. *Setting fire to ships or vessels with intent to destroy the same.*
7. *Impeding any person endeavouring to save his life from any ship wrecked, &c.*
8. *Destroying wrecks or any articles belonging thereto.*
9. *Setting fire to coal mines.*
10. *Setting fire to agricultural produce, &c.*
11. *Punishment of accessories.*
12. *Offences punishable by imprisonment.*
13. *Not to affect powers of 5 & 6 Will. 4. c. 38. and 6 Geo. 4. c. 64.*
14. *Offences committed within the Admiralty jurisdiction.*
15. *Not to extend to Scotland.*
16. *Commencement of Act.*

By this Act,

After reciting that it is expedient to amend so much of 7 & 8 Geo. 4. c. 30, and 9 Geo. 4. c. 56, as relates to any person who shall unlawfully and maliciously set fire to any of the buildings or erections therein respectively mentioned; and so much of the same Acts as relates to any person who shall unlawfully and maliciously set fire to any mine of coal or cannel coal; and so much of the same Acts as relates to any person who shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or who shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the same Acts as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or who shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, or who shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the same Acts or either of them as relates to any person who shall unlawfully or maliciously set fire to any stack of corn, grain, pulse, straw, hay, coals, turf, charcoal, or wood; and so much of the same Acts as relates to the punishment of principals in the second degree and of accessories before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to:—

It is Enacted,

I. That so much of the said Acts as is hereinbefore referred to shall continue in force until and throughout the 30th of September 1837, and shall from and after that day be repealed, except as to offences committed before or upon the said 30th of September, which shall be dealt with and punished as if this Act had not been passed.

II. That whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

III. That whosoever shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the united church of England and Ireland, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malthouse, hop-oast, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

IV. That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

V. That whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death.

VI. That whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

VII. That whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, (whether he shall be on board or shall have quitted the same,) shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

VIII. That whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

IX. That whosoever shall unlawfully and maliciously set fire to any mine of coal or cannel coal shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

X. That whosoever shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, tares, straw, haulm, stubble, furze, heath, fern, hay, turf, peat, coals, charcoal, or wood, or any steer of wood, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

XI. That in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

XII. That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned or imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

XIII. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in 6 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

XIV. That where any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England or of Ireland, the same shall be dealt with, inquired of, tried, and determined in the same manner as any other felony committed within that jurisdiction.

XV. Provided, That nothing in this Act contained shall extend to Scotland.

XVI. That this Act shall commence and take effect on the 1st of October 1837.

CAP. XC.

AN ACT to amend the Law relative to Offences punishable by Transportation for Life.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Repeal of certain provisions of recited Acts, and new provisions in lieu thereof.*
2. *Acts herein recited in part repealed.—Repeal of provisions of recited Acts, and new provision in lieu thereof.*

3. *Offences punishable by imprisonment.*

4. *Not to affect powers of 5 & 6 Will. 4. c. 38, and 4 Geo. 4. c. 64.*

5. *Limitation of time of imprisonment.*

6. *Commencement of Act.*

By this Act,

After reciting that by 2 & 3 Will. 4. c. 68, persons convicted of certain offences therein mentioned are liable to be transported beyond the seas for life: And that by 4 Will. 4. c. 44, persons punishable by transportation for life under the said recited Act are liable, previously to their being transported, in case the Court before whom such persons shall be convicted shall think fit, to be imprisoned, with or without hard labour, in the common gaol or house of correction, or to be confined in the Penitentiary, for any term not exceeding four years nor less than one year: And that by the said last-mentioned recited Act every person convicted of breaking and entering any dwelling house, and stealing therein any chattel, money, or valuable security, to any value whatever, as principals or accessories before the fact, are liable to be transported beyond the seas for life, or for any term not less than seven years, as the Court before whom any such person shall be convicted shall adjudge, and previously to transportation are liable to be imprisoned, with or without hard labour, as in that Act mentioned, for any term not exceeding four years, or are liable to be imprisoned, with or without hard labour, in the common gaol or house of correction for any term not exceeding four years nor less than one year: And that it is expedient to alter and amend the said recited Acts:—

It is Enacted,

1. That so much of the said recited Acts as relates to the punishment of persons convicted of offences for which they are liable under the said Act, 2 & 3 Will. 4. c. 68, to be transported for life, and so much of the said Act, 4 Will. 4. c. 44, as relates to the punishment of any person convicted of the offence of breaking and entering any dwelling house and stealing therein as in that Act mentioned, shall from and after the commencement of this Act be and the same is hereby repealed; and that from and after the commencement of this Act every person convicted of any of such offences shall be liable to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

And after reciting that by 7 & 8 Geo. 4. c. 29, s. 14, it was enacted, that if any person should break and enter any building and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling house and occupied therewith, but not being part thereof, according to the provision thereinbefore mentioned, every such offender, being convicted thereof (either upon an indictment for the same offence, or upon an indictment for burglary, housebreaking, or stealing to the value of five pounds in a dwelling house, containing a separate count for such offence), should be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And that by the said last-mentioned Act (s. 15) it was also enacted, that if any person should break and enter any shop, warehouse, or counting-house, and steal therein any chattel, money, or valuable security, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award as hereinbefore last mentioned: And that by the said last-mentioned Act (s. 16) it was also enacted, that if any person should steal to the value of ten shillings any goods or article of silk, woollen, linen, or cotton, or of any one or more of those materials mixed with each other or mixed with any other material, whilst laid, placed, or exposed, during any stage, process, or progress of manufacture, in any building, field, or other place, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award as hereinbefore last mentioned: And that by the said last-mentioned Act it was also enacted, that if any person should steal any goods or merchandise in any vessel, barge, or boat of any description whatsoever in any port of entry or discharge, or upon any navigable river or canal, or in any creek belonging to or communicating with any such port, river, or canal, or should steal any goods or merchandise from any dock, wharf or quay adjacent to any such port, river, canal, or creek, every such offender, being convicted thereof, should be liable to any of the punishments which the Court might award as hereinbefore last mentioned: And that by 7 & 8 Geo. 4. c. 30, (s. 16) it was enacted, that if any person should unlawfully and maliciously kill, maim, or wound any cattle, every such offender should be guilty of felony, and being convicted thereof should be liable, at the discretion of the Court, to be transported beyond the seas for life or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And that by the said last-mentioned Act (s. 18) it was also enacted, that if any person should unlawfully and maliciously cut or otherwise destroy any hopbinds growing on poles in any plantation of hops, every such offender should be guilty of felony, and being convicted thereof should be liable, at the discretion of the Court to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court should so think fit) in addition to such imprisonment: And that it is expedient to alter and amend the said last-mentioned in part recited Acts:—

It is Enacted,

11. That so much of the said last-mentioned Acts, 7 & 8 Geo. 4. c. 29 and 30, aforesaid as relates to the punishment of persons convicted of any of the offences hereinbefore specified, as in those Acts contained respectively, shall from and after the commencement of this Act be and the same are hereby repealed; and every person convicted after the commencement of this Act of any of such offences respectively shall be liable to be transported beyond the seas for any term not exceeding fifteen years nor less than ten years, or to be imprisoned for any term not exceeding three years.

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III. That in awarding the punishment of imprisonment for any offence punishable under this Act it shall be lawful for the Court to direct such imprisonment to be with or without hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

IV. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act, 5 & 6 Will. 4. c. 38, intituled, 'An Act, for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in an Act, 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

And after reciting that by the laws now in force it is lawful for the Court before whom any person shall be convicted of certain offences for which imprisonment or imprisonment with hard labour may be awarded to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to such Court in its discretion should seem meet,—

It is Enacted,

v. That from and after the commencement of this Act it shall not be lawful for any Court to direct that any offender shall be kept in solitary confinement for any longer period than one month at a time, or than three months in the space of one year.

VI. That this Act shall commence and take effect on the 1st of October 1837.

CAP. XCI.

AN ACT for abolishing the Punishment of Death in certain Cases.

(17th July 1837.)

ABSTRACT OF THE ENACTMENTS.

1. *Abolishing punishment of death in certain cases.*
2. *Offences punishable by imprisonment.*
3. *Not to affect powers of 5 & 6 Will. 4. c. 38, and 4 Geo. 4. c. 64.*
4. *Repeal of 2 Jac. 1. c. 31.*
5. *Commencement of Act.*

By this Act,

After reciting that by 1 Geo. 1. c. 5, it was amongst other things enacted, that if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by any one or more Justice or Justices of the Peace, or by the sheriff of the county or his under-sheriff or by the mayor, bailiff or bailiffs, or other head officer, or Justice of the Peace of any city or town corporate where such assembly should be, by proclamation to be made in the King's name in the form thereafter directed, to disperse themselves and peaceably to depart to their habitations or to their lawful business, should to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously, and tumultuously remain or continue together by the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more after such command or request made by proclamation should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death as in case of felony without benefit of clergy; and it was also by the said Act further enacted, that if any person or persons did or should, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any person or persons that should begin to proclaim or go to proclaim according to the proclamation thereby directed to be made, whereby such proclamation should not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such proclamation as aforesaid should be adjudged felony without benefit of clergy, and the offenders therein should be adjudged felons, and should suffer death as in case of felony without benefit of clergy; and that also every such person or persons, so being unlawfully, riotously, and tumultuously assembled to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, should likewise, in case that or any of them to the number of twelve or more should continue together and not disperse themselves within one hour as

such let or hindrance so made, having knowledge of such let or hindrance so made, should be adjudged felons, and should suffer death as in case of felony without benefit of clergy: And that by 25 Geo. 2. c. 37, and 31 Geo. 3. c. 17 (1.), it was amongst other things enacted, that if any person or persons whatsoever should by force set at liberty or rescue, or attempt to rescue or set at liberty, any person out of prison who shall be committed for or found guilty of murder, or rescue or attempt to rescue any person convicted of murder going to execution or during execution, every person so offending should be deemed, taken, and adjudged to be guilty of felony, and should suffer death without benefit of clergy: And that by 37 Geo. 3. c. 70. s. 1, and 37 Geo. 3. c. 40. s. 1 (1.), it was amongst other things enacted, that any person or persons who should maliciously and advisedly endeavour to seduce any person or persons serving in His Majesty's forces by sea or land from his or their duty and allegiance to His Majesty, or to incite or stir up any such person or persons to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, should, on being legally convicted of such offence, be adjudged guilty of felony, and should suffer death as in cases of felony without benefit of clergy: And that by 52 Geo. 3. c. 104. s. 1, it was amongst other things enacted, that every person who should, in any manner or form whatsoever, administer, or cause to be administered, or be aiding or assisting at the administering of any oath or engagement purporting or intending to bind the person taking the same to commit any treason or murder, or any felony punishable by law with death, should, on conviction thereof by due course of law, be adjudged guilty of felony, and suffer death as a felon without benefit of clergy; and it was by the said Act further enacted, that persons aiding and assisting at the administering of any such oath or engagement as aforesaid, and persons causing any such oath or engagement to be administered, though not present at the administering thereof, should be deemed principal offenders, and should be tried as such, and on conviction thereof by due course of law should be adjudged guilty of felony, and should suffer death as felons without benefit of clergy, although the persons or person who actually administered such oath or engagement, if any such there should be, should not have been tried or convicted: And that by 59 Geo. 3. c. 136. s. 17, it was amongst other things enacted, that if any convict who should be ordered to be confined in the said Penitentiary should at any time during the term of such confinement break prison or escape from the place of his or her confinement, or in his or her conveyance to such place of confinement, or from the person or persons having the lawful custody of such convict, and being punished for any such offence in the manner in the said Act mentioned should afterwards be convicted of a second escape or breach of prison, he or she should be adjudged guilty of felony without benefit of clergy: And that by 5 Geo. 4. c. 113. s. 9, it was amongst other things enacted, that if any subject or subjects of His Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories then or thereafter belonging to His Majesty, or being in His Majesty's occupation or possession, or under the government of the United Company of Merchants of England trading to the East Indies, should, except in such cases as are in and by that Act permitted, upon the high seas, or in any haven, river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any person or persons as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, or should, except in such cases as are in and by that Act permitted, upon the high seas or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, then and in every such case the person or persons so offending should be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof should suffer death without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to suffer: And that by 3 & 4 Will. 4. c. 53. s. 58, it was amongst other things enacted, that if any persons, to the number of three or more, armed with fire-arms or other offensive weapons, should, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be assembled in order to be aiding and assisting in the illegal landing, running, or carrying away of any prohibited goods, or any goods liable to any duties which have not been paid or secured, or in rescuing or taking away any such goods as aforesaid after seizure from the officer of the Customs or other officer authorized to seize the same, or from any person or persons employed by them or assisting them, or from the place where the same shall have been lodged by them, or in rescuing any person who shall have been apprehended for any of the offences made felony by that Act or any Act relating to the Customs, or in the preventing the apprehension of any person who shall have been guilty of such offence, or in case any persons, to the number of three or more, so armed as aforesaid, should, within the United Kingdom, or within the limits of any port, harbour, or creek thereof, be so aiding or assisting, every person so offending, and every person aiding, abetting, or assisting therein, should, being thereof convicted, be adjudged guilty of felony, and suffer death as a felon; and it was by the said Act now in recital further enacted, that if any person should maliciously shoot at any vessel or boat belonging to His Majesty's Navy or in the service of the revenue, within one hundred leagues of any part of the coast of the United Kingdom, or should maliciously shoot at, maim, or dangerously wound any officer of the Army, Navy, or Marines, being duly employed for the prevention of smuggling and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the due execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, should, being lawfully convicted, be adjudged guilty of felony, and suffer death as a felon; and that it is expedient that none of the hereinbefore mentioned offences should henceforth be punishable with death:—

It is Enacted,

1. That if any person shall after the commencement of this Act be convicted of any of the offences hereinbefore mentioned, such person shall not suffer death or have sentence of death awarded against him or her for the same, but shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than fifteen years, or to be imprisoned for any term not exceeding three years.

II. That in awarding the punishment of imprisonment for any offence punishable under this Act it shall be lawful for the Court to direct such imprisonment to be with or without hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

III. That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in the 5 & 6 Will. 4. c. 38, intituled, 'An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain,' or in the 4 Geo. 4. c. 64, intituled, 'An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.'

And after reciting that it is expedient to repeal the 2 Jac. 1. c. 31, intituled, 'An Act for the charitable Relief and ordering of Persons infected with the Plague,' and any Act continuing or perpetuating the same so far as relates to the continuing or perpetuating the same;—

It is Enacted,

IV. That the same shall be and the same are hereby respectively repealed.

V. That this Act shall commence and take effect on the 1st October 1837.

A

TABLE

OF

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- | | | | |
|--|---|--|----|
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AND TO BE JUDICIALLY NOTICED.

7 WILLIAM. IV.

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- ii. An Act for maintaining the Causeway and Turnpike Road from Grigg's Quay in the Parish of Uly Lelant, over Hayle River and Sands, and through Hayle Foundry, in the County of Cornwall, and for extending the said Turnpike Road from the Western End of the said Causeway towards Penzance.
- iii. An Act to amend and enlarge the Powers of an Act passed in the First and Second Years of His present Majesty, for erecting a County Hall and Courts of Justice, and also for providing Accommodation for His Majesty's Justices of Assize in and for the County of Worcester.
- iv. An Act for lighting with Gas the Town of Runcorn, otherwise called Higher Runcorn and Lower Runcorn, and also the Township or Chapelry of Halton, both in the Parish of Runcorn in the County of Chester.
- v. An Act for making and maintaining a Turnpike Road along the South Side of the River Dee in the County of Kincairdine.
- vi. An Act for repairing, maintaining, and improving the Road from the the Town of Rochdale to near Hand Bridge near the Town of Burnley and other Roads communicating therewith, and for making and maintaining other Roads also to communicate therewith, all in the County Palatine of Lancaster.
- vii. An Act to extend the Powers and Provisions of an Act passed in the last Session of Parliament, for the more easy and speedy Recovery of Small Debts within the Borough of Leicester, to several other Towns, Parishes, and Places in the County of Leicester.
- viii. An Act for more easy and speedy recovering small Debts within the Parish of Hinckley and other Places therein mentioned in the Counties of Leicester and Warwick.
- ix. An Act for the more easy and speedy Recovery of Small Debts within the Town of Loughborough, and other Places therein mentioned, in the Counties of Leicester and Nottingham.
- x. An Act for better paving, cleansing, lighting, watching, and improving the town of Whitby in the North Riding of the County of York.
- xi. An Act to enable the Company of Proprietors of the Bridgewater and Taunton Canal Navigation to continue the Line of the Canal below the Town of Bridgewater, and for varying the Powers of the several Acts relative to the said Canal.
- xii. An Act to enable "The Licensed Victuallers and General Fire and Life Assurance Company" to sue and be sued in the Name of the Chairman, Deputy Chairman, or of any one of the Directors of the said Company, and other purposes.
- xiii. An Act for forming and regulating a Company to be called "The Patent Dry Gas Meter Company," and to enable the said Company to purchase certain Letters Patent.
- xiv. An Act for making and maintaining certain Roads in the County of Aberdeen.
- xv. An Act to enable the Duke of Buccleuch and Queensberry to make and maintain a Pier at Granton in the Parish of Cramond, and a Road therefrom to join the Road leading from Leith to Queensferry in the County of Edinburgh.
- xvi. An Act for more effectually repairing the Road from the Turnpike Road between Gateshead and Hexham, near Lobley Hill in the County of Durham, to Burtryford in the Parish of Stanhope in the same county, together with several branches therefrom.
- xvii. An Act for amending an Act of His present Majesty, for repairing the roads from Sevenoaks Common to Woodgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodgate, in the County of Kent.
- xviii. An Act for better paving, cleansing, lighting, and otherwise improving the Town of Cardiff in the County of Glamorgan.
- xix. An Act for better lighting with Gas the Town of Cardiff in the County of Glamorgan.
- xx. An Act for better supplying with Water the Town and Borough of Stamford, and places adjacent thereto, in the Counties of Northampton and Lincoln.
- xxi. An Act for making a Railway from Sheffield in the West Riding of the County of York to Manchester in the County of Lancaster.
- xxii. An Act for making and maintaining a Railway from the Town of Lancaster to the Town of Preston in the County Palatine of Lancaster.
- xxiii. An Act to enable the North Midland Railway Company to alter the Line of the said Railway, and also to make two Branches to communicate with the same.
- xxiv. An Act for enabling the Manchester and Leeds Railway Company to vary the Line of such Railway, and for amending and enlarging the Powers and Provisions of the Act relating thereto.
- xxv. An Act to enlarge and amend the Powers and Provisions of an Act relating to the Whitby and Pickering Railway in the North Riding of the County of York.
- xxvi. An Act to amend an Act passed in the last Session of Parliament, for making a Railway from Birmingham to Gloucester, to extend the Line of the said Railway, and to make Branches therefrom to the City of Worcester and the Town of Tewkesbury.
- xxvii. An Act for enabling the Liverpool and Manchester Railway Company to raise more Money, and for amending and enlarging the Powers and Provisions of the several Acts relating to the said Railway.
- xxviii. An Act to alter the Line of the Preston and Wyre Railway, and to amend the Act relating thereto.

- xxix. An Act for making and maintaining a Dock or Docks at Wyre in the County Palatine of Lancaster.
- xxx. An Act for establishing a Company for the Purpose of laying out and maintaining an ornamental Park within the Townships of Rusholme, Chorlton-upon-Medlock, and Moss Side, in the County of Lancaster.
- xxxi. An Act for building a Bridge over the River Thames from Streatley in the County of Berks to the opposite Shore in the Parish of Goring in the County of Oxford, and for making convenient Approaches thereto.
- xxxii. An Act for continuing, altering, and amending certain Acts for regulating the Police of the City of Edinburgh and the adjoining Districts, and for other Purposes relating thereto.
- xxxiii. An Act for widening and improving the Road from Halifax to Sheffield in the West Riding of the County of York, so far as relates to the Third District of the said Road; and for diverting the said District of Road, and making a new Line of Road therefrom.
- xxxiv. An Act for improving and maintaining the Road from Dryclough, through Shaw, New Hey, and Milnrow, to Rochdale, and other Roads in the County of Lancaster.
- xxxv. An Act for more effectually repairing, improving, and maintaining certain Roads leading to and from the Town of Llanrwst in the County of Denbigh.
- xxxvi. An Act for repairing, supplying, and improving the Line of the Road from Leeds to Otley in the West Riding of the County of York.
- xxxvii. An Act for making and maintaining a Road from the Road leading from Glasgow to Carntyne, called Duke Street, to the East End of Blackfriars Street or Regent Street in the said City of Glasgow.
- xxxviii. An Act for better maintaining the Road from Gillow Hollow in the Parish of Biddulph in the County of Stafford to the Congleton and Leek Turnpike Road at Park Lane in the Township of Congleton in the County of Chester, with the Road therefrom at Lick Lane in the said Parish of Biddulph.
- xxxix. An Act for further and more effectually repairing, amending, and maintaining certain Roads in the County of Roxburgh, and other Roads connected therewith, leading into the Counties of Berwick, Northumberland, and Durham.
- xl. An Act for more effectually improving the several Roads from Newcastle-under-Lyme to Darlaston Bridge, Butt Lane, and Linley Lane, and through Trent Vale and Stoke-upon-Trent to Shelton Wharf, all in the County of Stafford.
- xli. An Act for maintaining, repairing, and amending Turnpike Roads from the Town of Antrim in the County of Antrim towards Coleraine in the County of Londonderry.
- xlii. An Act for maintaining, repairing, and amending a Turnpike Road from Belfast to Lisburne by Malone and by the Falls, and Two Turnpike Roads leading from the Falls Road by Dundrod and Castlerobin respectively to Crumlin, in the County of Antrim.
- xliii. An Act for more effectually amending the Roads from Manchester in the County of Lancaster through Oldham to Austerlands in the County of York, and from Oldham to Ashton-under-Lyne, and from Oldham to Rochdale, and other Roads, and for making and maintaining new Lines to communicate therewith, all in the said County of Lancaster.
- xliv. An Act for making and maintaining a Turnpike Road from Butter-house Green in the County of Chester to Thorneley Lane End in the County of Lancaster.
- xlv. An Act for amending Two several Acts, of the Seventh and Tenth Years of His late Majesty King George the Fourth, for repairing the Road from Ashborne in the County of Derby to Leek in the County of Stafford, and from Rye-croft Gate upon Rushton Common to Congleton in the County of Chester.
- xlvi. An Act for repairing and maintaining the Road leading from Elland Bridge in the Parish of Halifax into the Dewsbury and Elland Turnpike Road, near the Obelisk, in the Parish of Dewsbury, all in the West Riding of the County of York.
- xlvii. An Act to enable the Managers of the Sun Fire Assurance Society to appropriate any part of the profits thereof for the Benefit of any Persons who have already effected or may hereafter effect Policies of Assurance with the said Society.
- xlviii. An Act to continue for a limited Term of Years the Acts relating to the Police of the City of Glasgow; to vest the Management of the Statute Labour Conversion Money of the said City in the Board of Police thereof; and for other Purposes therein mentioned.
- xliv. An Act to continue for a limited Term of Years the Police Act for the Barony of Gorbals in the County of Lanark, and for other Purposes relating thereto.
- l. An Act to enlarge the Powers of an Act passed in the Third Year of the Reign of His present Majesty, intituled 'An Act for making a Railway from London to Greenwich.'
- li. An Act for constructing a Harbour, Dock or Docks, Piers, and other Works at Trinity in the Parish of North Leith and County of Edinburgh.
- lii. An Act for better supplying with Water the Town and Borough of Swansea in the County of Glamorgan.
- liii. An Act for making a Canal from the Stourbridge Navigation near Brookmoor in the Parish of Kingwinford in the County of Stafford to the Oak Farm Colliery, with a Branch to the Standhills, both in the said Parish of Kingwinford and County of Stafford.
- liv. An Act for making and maintaining certain Reservoirs in the several Townships of Holme, Cartworth, Austonley, Upperthong, Wooldale, and Hepworth, in the several Parishes of Kirkbarten and Almondbury, in the West Riding of the County of York.
- lv. An Act for better supplying with Water the Town of Wakefield and the Neighbourhood thereof in the West Riding of the County of York.
- lvi. An Act to alter and amend an Act of the last Session of Parliament, intituled 'An Act for making and maintaining a Pier Wharf and other Works at Greenwich in the County of Kent;' and to extend the Powers of the said Act.
- lvii. An Act for more effectually draining of certain Fen Lands and Low Grounds in the Honor, Manor, and Parish of Wermegay in the County of Norfolk, and other Lands and Grounds which are now drained by means of or through a certain Drain called 'Polver Drain' in the said County.
- lviii. An Act for removing the Markets held in the City of Worcester in the County of Worcester for the Sale of Cattle, Horses, Sheep, and Pigs, and for providing another Market Place in lieu thereof, and for providing for the better and more effectual draining the said City.
- lix. An Act to alter and amend an Act of the Sixth Year of the Reign of his late Majesty, for opening certain Streets in the Burgh of Dundee, and for otherwise improving the said Burgh.
- lx. An Act for building a Bridge over the River Tweed at or near to Mertoun Mill in the County of Berwick, and for making Avenues and Approaches thereto.
- lxi. An Act for the uniform Valuation of Lands and Tenements in the County of Waterford in Ireland, for the Purpose of levying the County Rates therein.
- lxii. An Act for the Recovery of Small Debts within the Southern Division of the Hundred of Roborough and within the Hundred of Plympton in the County of Devon, and within the Southern Division of the Hundred of East in the County of Cornwall.

1 VICTORIA.

- lxiii. An Act for making a Railway from the City of Chester to join "The Grand Junction Railway" near Crewe Hall in the County of Chester, to be called "The Chester and Crew Railway."
- lxiv. An Act to amend the Acts relating to the London and Birmingham Railway.
- lxv. An Act to rectify a Mistake in an Act of the last Session of Parliament for making a Railway from the London and Birmingham Railway near Birmingham to Derby, to be called the Birmingham and Derby Junction Railway, with a Branch.
- lxvi. An Act to enable the Leicester and Swannington Railway Company to raise a further Sum of Money.
- lxvii. An Act to enable the Durham and Sunderland Railway Company to alter a Part of the Main Line of their Railway, to abandon another Part thereof, to make other Branches therefrom; and to amend and enlarge the Powers of the Act for incorporating the said Company.
- lxviii. An Act to alter the Line of the York and North Midland Railway, and to amend the Act relating thereto.
- lxix. An Act for making a Railway from Manchester to join the Grand Junction Railway in the parish of Chebsey in the County of Stafford, to be called "The Manchester and Birmingham Railway," with certain Branches therefrom.
- lxx. An Act to enable the Taff Vale Railway Company to alter the Line of the said Railway and the Act relating thereto, and to make additional Branches.
- lxxi. An Act to alter the Line of the London and Southampton Railway, and to amend the Act relating thereto.
- lxxii. An Act for regulating and improving the Borough of Newcastle upon Tyne.
- lxxiii. An Act to amend the several Acts for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein.
- lxxiv. An Act to amend an Act of the Forty-fifth Year of the Reign of King George the Third, for improving and rendering more commodious the Port of Ipswich, and for constructing a Wet Dock there.
- lxxv. An Act for improving, enlarging, and maintaining the Pier, Harbour, and Market of Brixham in the County of Devon, and for the formation of a Breakwater in Torbay.
- lxxvi. An Act for the Formation of a new Cut or Channel, and for otherwise more effectually improving the Port and Harbour of Belfast.
- lxxvii. An Act for forming a Harbour in the Parish of Warkworth, in the County of Northumberland, by improving the Navigation of the River Coquet, and for rendering the same safe and commodious, and easy of Access.
- lxxviii. An Act for amending an Act of the Second Year of the Reign of His late Majesty King William the Fourth, and for granting further Rates and Powers for improving the Port of Hartlepool in the County of Durham.
- lxxix. An Act for making and maintaining Reservoirs upon the tributary Streams of the River Etherow otherwise the Mersey in the Parish of Glossop in the County of Derby, for more effectually and regularly supplying with Water the Mills, Manufactories, and Works on the said tributary Streams and River.
- lxxx. An Act to amend and enlarge the Powers of the several Acts relating to the Ellesmere and Chester Canal.
- lxxxi. An Act to raise and apply Funds for the future Maintenance and Repair of the Banks of the River Ouse between Denver Sluice and the Eau Brink Cut in the County of Norfolk.
- xxxii. An Act for better supplying with Water the Town and Neighbourhood of Barnsley in the West Riding of the County of York.
- lxxxiii. An Act for the better supplying with Water the Town and Neighbourhood of Leeds in the West Riding of the County of York.
- lxxxiv. An Act for granting more effectual Powers for the Regulation of the Court of Conscience within the City of Bristol.
- lxxxv. An Act for removing and preventing Encroachments within the City and County of Bristol, and for better regulating the Shipping, Rivers, Wharfs, Backs, and Quays, and the Markets within the same; and for other Purposes.
- lxxxvi. An Act for the better assessing and collecting certain Parochial and other Rates within the City and County of Bristol.
- lxxxvii. An Act to enable the Shropshire and North Wales Assurance Company to sue and be sued in the Name of the Managing Director for the Time being, or of any One of the general or local Directors of the said Company.
- lxxxviii. An Act for amending and enlarging the Provisions of an Act passed in the Fourth Year of the Reign of His present Majesty, intituled, "An Act to encourage the working of Mines and Quarries in Ireland, and to regulate a Joint Stock Company for that Purpose, to be called "The West Cork Mining Company."
- lxxxix. An Act to enable Edward Joshua Cooper Esquire to establish and protect a Salmon Fishery upon the Lakes and Rivers of Owenmore and Arrow, and also within the Bay of Ballisodare, in the County of Sligo, in Ireland.
- xc. An Act for draining, inclosing, dividing, and allotting certain Lands in the Parish of Over in the County of Cambridge.
- xc. An Act to alter the Line of the Great Western Railway, and to amend the Acts relating thereto.
- xcii. An Act to enable the Great Western Railway Company to extend the Line of such Railway, and for other purposes relating thereto.
- xciii. An Act to alter and extend the Line of the South-eastern Railway, and to amend the Act relating thereto.
- xciv. An Act to alter, amend, and enlarge the Powers of an Act for making the Slamannan Railway, passed in the Sixth Year of His present Majesty, and to enable the Slamannan Railway Company to make and maintain a Branch to Bathgate in the County of Linlithgow.
- xcv. An Act for making and maintaining a Railway to connect the Great North of England, Clarence, and Hartlepool Railways, in the County of Durham.
- xovi. An Act for making and maintaining a Railway from the Town of Dundalk in the County of Louth to the Town of Ballybay in the County of Monaghan.
- xcvii. An Act to authorize the Durham Junction Railway Company to make a Branch Railway from the Durham Junction Railway, to be called "The Houghton-le-Spring Branch."
- xcviii. An Act for altering, amending, improving, and extending the Provisions of certain Acts of Parliament relating to the Town of Liverpool in the County Palatine of Lancaster.
- xcix. An Act for improving the Harbour of the Burgh of Montrose in the County of Forfar.
- c. An Act for further extending the Time for completing the Wishaw and Coltness Railway in the County of Lanark.
- ci. An Act for making a Railway from the Town and Port of Maryport to the Borough of Carlisle, to be called "The Maryport and Carlisle Railway."
- cii. An Act to enable "The Great North of England Railway Company" to extend the Line of their Railway, and to make Two Branches therefrom; and for other Purposes relating thereto.

- ciii. An Act to alter, amend, explain, and enlarge the Powers of the several Acts for making and maintaining the Clarence Railway.
- civ. An Act for making and maintaining a Railway from the City of Dublin to the City of Kilkenny, to be called the Great Leinster and Munster Railway.
- cv. An Act to enable the Kilmarnock and Troon Railway Company to raise a further Sum of Money; to alter and amend the Line of the said Railway; and for other Purposes relating thereto.
- cvi. An Act to alter the Line of the Dublin and Drogheda Railway, and to amend the Act relating thereto.
- cvi. An Act for making a Railway from the City of Chester to Birkenhead.
- cvi. An Act for making a Railway from the City of Cork to the Town of Passage.
- cix. An Act for the better paving, lighting, watching, and cleansing the Burgh of Dundee, and for maintaining and regulating the Police of the same and Places adjacent, and other Purposes relating thereto.
- cx. An Act for improving the Piers and Harbour of Bridlington in the East Riding of the County of York, and for rendering the same more safe and commodious as a Harbour of Refuge.
- cx. An Act to make and maintain a Canal from the Forth and Clyde Canal in the County of Lanark to Campsie Alum Works in the County of Stirling.
- cxii. An Act for enabling the Directors of the Manchester Gas Works to purchase Land, Buildings, and Apparatus for the Extension of their Works.
- cxiii. An Act to increase the Tonnage Rates and Duties granted by an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, for improving the Out-fall of the River Welland in the County of Lincoln; and to alter and enlarge the Powers of the said Act.
- cxiv. An Act to alter and amend an Act of the Fourth Year of the Reign of His late Majesty, for erecting, establishing, and maintaining a Market in the Parish of Saint George the Martyr in the Borough of Southwark.
- cxv. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Liverpool to open and widen certain Streets and Places in the Town of Liverpool, and otherwise to improve the same; and to enable the said Mayor, Aldermen, and Burgesses to appropriate Lands, Tenements and Hereditaments for Public Purposes, and also to erect Public Buildings.
- cxvi. An Act for making and maintaining a Railway from Glasgow, to Greenock by Paisley and Port Glasgow to be called "The Glasgow, Paisley, and Greenock Railway."
- cxvii. An Act for making a Railway from Glasgow to Paisley and Ayr, and from a Point on the said Railway near Blairland to Kilmarnock, to be called "The Glasgow, Paisley, Kilmarnock, and Ayr Railway," with Branches.
- cxviii. An Act to continue, for certain purposes, the Powers of Two Acts for making and maintaining the Polloc and Govan Railway.
- cxix. An Act for making a Railway from the London and Croydon Railway to Brighton, with Branches to Shoreham, Newhaven, and Lewes.
- cx. An Act to enable the London and Greenwich Railway Company to take certain Tolls for Passengers, Cattle, and Carriages crossing the River Ravensborne, in pursuance of an Agreement entered into with "The Deptford Creek Bridge Company."
- cxxi. An Act for making a Railway from Bolton le Moors to Preston in the County Palatine of Lancaster.
- cxix. An Act for incorporating certain Persons for the making and maintaining a Railway from near the Black Boy Branch of the Stockton and Darlington Railway in the Township of Saint Andrew Auckland to or near to Witton Park Colliery, with a Branch therefrom, all in the County of Durham, to be called "The Bishop Auckland and Weardale Railway."
- cxix. An Act for making Wet Docks and other Works on the South Side of the River Thames, at or near Rotherhithe and Deptford in the Counties of Surrey and Kent, to be called "The Grand Collier Docks."
- cxix. An Act for improving the Harbour and Port of Fishguard otherwise Abergwain in the County of Pembroke.
- cxix. An Act to make and maintain a Canal in the County of Lanark from the Monkland Canal to the Lands of Dunchattan on the North Side of Duke Street of Glasgow.
- cxix. An Act for supplying the Royal Burgh of Dundee and Suburbs thereof with Water.
- cxix. An Act to extend, alter, and enlarge the Powers of several Acts for enabling the Commissioners of Wide Streets in Dublin to widen and improve certain Ways, Streets, and Passages in the said City and County of Dublin, and for raising further funds to enable the said Commissioners to carry the same into execution.
- cxix. An Act for providing a Market Place and Market at the Village of Dowlais in the Parish of Merthyr Tydfil in the County of Glamorgan.
- cxix. An Act for improving and regulating the Borough of Stockport in the several Counties of Chester and Lancaster.
- cxix. An Act for establishing a Cemetery for the Interment of the Dead Westward of the Metropolis, by a Company to be called "The West of London and Westminster Cemetery Company."
- cxix. An Act for establishing a general Cemetery for the Interment of the Dead in or near the City of Bristol.
- cxix. An Act for forming and regulating the London Caenachou Company, and to enable the said Company to purchase certain Letters Patent.
- cxix. An Act to amend the Act relating to the Commercial Railway Company.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

7 WILLIAM IV.

1. An Act for inclosing and exonerating from Tithes Lands in the Parish of Cranfield in the County of Bedford.
2. An Act for inclosing Lands in the several Parishes of Llany-mynech, Llanrhaidr-yn-Mochnant, Llanarmon-mynydd-mawr, Llanarmon-dyffryn-Ceiriog, Llanallin, and Llanddwaledder in the County of Denbigh.
3. An Act for inclosing Lands in the Township of Lofthouse-cum-Carlton in the Parish of Rothwell in the West Riding of the County of York.
4. An Act for inclosing Lands in the Parishes of Winfrith Newburgh and Wool in the County of Dorset.
5. An Act for inclosing Lands in the Manor of Newbold in the Parish of Chesterfield in the County of Derby.
6. An Act for inclosing Lands within the Townships or Divisions of Mansergh, Lupton, Old Hutton, and Holme Scates and New Hutton, in the Parishes of Kirkby Lonsdale, Burton-in-Kendal, and Kirkby-in-Kendal in the County of Westmorland.
7. An Act for dividing, allotting, and inclosing the Open Fields and Field Lands, Commons, and Waste Grounds in the Parishes of Ashby and Hellington in the County of Norfolk.
8. An Act for inclosing Lands in the Parish of Clapton in the County of Somerset.
9. An Act for inclosing Lands in the Honour or Lordship and Forest of Clun in the County of Salop.
10. An Act to enable the Minister of the Parish of Banff in the County of Banff to feu the Glebe Lands of the said Parish.
11. An Act to enable John Angerstein Esquire to grant Building Leases of Lands and Hereditaments in the Parish of Grimsby in the County of Lincoln, and in the Parish of East Greenwich in the County of Kent; and to enable Amelia, the Wife of the said John Angerstein, to grant similar Leases of Parts of the same Estates in the said Parish of East Greenwich.
12. An Act to enable David Rankine Esquire, of Dudhope, to feu certain Portions of the Lands and Estate of Dudhope in the County of Forfar.
13. An Act to vest certain Parts of the Entailed Estate of Boysack in the County of Forfar, belonging to William Fullarton Lindsay Carnegie Esquire, in Trustees to sell the same, and apply the Price thereof in Payment of certain Debts affecting the said Estate, in building a Mansion House for the same, and in repayment of certain Sums of Money laid out in improving the said Estate; and to enable the Heir of Entail in Possession of the said Estate to feu certain Parts thereof.
14. An Act for enabling the Trustees of William Eliot Lockhart deceased, of Borthwickbrae, to sell the Lands of Old Melrose and Part of the Estate of Borthwickbrae to pay the Debts affecting the same.
15. An Act to enable Alexander Murray Esquire, of Broughton, to borrow a certain Sum of Money upon the Security of certain of his Entailed Estates for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.
16. An Act to alter and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for empowering George William Duke of Argyll and his Trustee to borrow a Sum of Money, and to make it a Charge on the Estate of Argyll, upon certain Conditions.

1 VICTORIA.

17. An Act to enable Edward Farr and others to effect a Sale to Walter Wilkins Esquire of a Messuage and Lands situate in the Parish of Glasbury in the County of Radnor.
18. An Act for vesting a piece of Land in the Parish of Childwall in the County of Lancaster, belonging to Edward Paton Cairns an Infant, in Trustees for Sale, and for investing the Monies thence arising in the Purchase of other Estates to be conveyed to the Infant.
19. An Act to vest a Part of the Entailed Estate of Drumkilbo and others in the Counties of Perth and Forfar in Trustees in Fee Simple, for the Sale and to raise Money thereon for satisfying the Debts contracted for Money laid out in the Improvement of the said Entailed Estate, and in building a Mansion House thereon; and to enable David Nairne Esquire, and the Heirs of Entail succeeding to him, if there be such, to grant Feus of Part of the said Estate of Drumkilbo and others.

20. An Act for vesting an Estate belonging to the Dean and Chapter of the Cathedral and Metropolitan Church of Saint Peter in York in Trustees for Sale, and for laying out the Monies arising from such Sales in the Purchase of other Estates, to be settled to the same Uses; subject nevertheless to making Compensation to the Dean and Chapter for the Time being for certain Fines payable on Renewal of the Leases of the said first mentioned Estate, and also for Payment of certain Debts due on account of the said Cathedral Church.
21. An Act to enable Richard Rayley Esquire to grant Leases of the Messuages, Lands, and Hereditaments appointed or devised by the Will of Richard Rayley Esquire, his late Father, deceased; and for selling certain of the said Messuages, Lands, and Hereditaments, and laying out the Monies to be produced by such Sales in the Purchase of other Estates, to be settled to the same Uses.
22. An Act for carrying into effect a Contract entered into with Edward Riddell Esquire for the Sale to him of a certain Farm called Broomey Hall Farm, situate in the Township of Dalton in the Parish of Newburn in the County of Northumberland, devised in strict Settlement by the Will of Elizabeth Archer Hind Spinster, deceased; and for applying the Money thence arising in the Purchase of other Hereditaments in lieu thereof, to be settled to the like Uses.
23. An Act to enable the Tutors and Curators of Sir Michael Robert Shaw Stewart Baronet to grant Feu Rights of the Estate of Greenock and other Lands in the County of Renfrew.
24. An Act to enable the Rector of the Parish of Wigan in the County Palatine of Lancaster to grant Leases of the Mines and Building Leases, subject to Ground Rents, of the Globe Lands belonging to the said Rectory; and for other Purposes.
25. An Act for confirming a Lease granted by the Most Noble Henry Charles late Duke of Beaufort to John Vivian Esquire, of Lands and Hereditaments in the Parish of Saint John juxta Swansea in the County of Glamorgan; and also a certain other Lease granted by the said Henry Charles late Duke of Beaufort, and the Most Noble Henry Duke of Beaufort, by his then name of Henry Marquis of Worcester, to John Williams Esquire, and others, of Lands and Hereditaments in the Parishes of Saint John juxta Swansea and Llangefelach in the said County of Glamorgan.
26. An Act for vesting the settled undivided Shares of the Right Honourable George Talbot Rice Lord Dynevor in the County of Glamorgan in Trustees for Sale, and with Power to make a Partition thereof.
27. An Act for vesting an Estate in the Parish of Steeple Aston in the County of Oxford, devised by the Will of John Marten Watson, Gentleman, deceased, in Trustees for carrying into effect a Contract entered into for the Sale thereof, and for laying out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses.
28. An Act for authorizing Trustees to sell Part of the settled Estates of the Right Honourable Arthur Moyes William Lord Sandys, in the Counties of Worcester, Cambridge, and Bedford, and for laying out the Monies to arise by such Sale in the Purchase of other Estates, to be settled to the same Uses; and also for authorizing the same Trustees to grant Leases for Building and Manufacturing Purposes of other Part of the said Settled Estates in the County of Worcester.
29. An Act for effecting an Exchange between the Warden and Scholars Clerks of Saint Mary College of Winchester near Winchester in the County of Southampton, and the Dean of the Cathedral Church of the Holy Trinity of Winchester in the said County, and the Chapter of the same Church, of divers Messuages or Tenements, Lands, and Hereditaments.
30. An Act for confirming a Partition of Estates devised and bequeathed by the Will of Sir William East Baronet, deceased, and other Property; and for confirming a Sale of the devised Estates.
31. An Act for extending the Power to grant Building Leases contained in the Will of Randle Jackson Esquire, deceased; and for other Purposes.
32. An Act to enable the Governors of the Free Grammar School of Clitheroe in the County of Lancaster to sell and grant Building Leases of the School Estates, and to enlarge the Powers of the Governors.
33. An Act to transfer the Endowments of the Domestic Chapel of Sir Thomas Dyke Acland Baronet at Columb John in the Parish of Broadclist in the County of Devon, which Chapel is proposed to be pulled down, to a Chapel intended to be built in lieu thereof near his Residence at Killerton in the same Parish.
34. An Act for authorizing the Trustees under an Act passed in the Thirty-ninth and Fortieth Years of His Majesty King George the Third, for enabling the Duke of Richmond for the Time being to grant Jointures as therein mentioned, and for other Purposes, to sell the Residue remaining unsold of the Stocks on Transfer of which the said Annuity was made redeemable, and to invest the Money to arise from such Sale in the Purchase of Manors, Lands, and Hereditaments; and for other purposes.
35. An Act to extend the Powers given to the Trustees of the Will of Charles Eversfield Esquire by an Act of Parliament passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled 'An Act to enable Trustees to grant Building Leases of Lands, in the several Parishes of Saint Leonard's Hollington, Saint Mary of the Castle of Hastings, Maudlin, Saint Mary Magdalen, Saint Michael near Hastings, and Horsham, in the County of Sussex, Parts of the Estates devised by the Will of Charles Eversfield Esquire, and to sell the same Lands, and also Two detached Farms in the Parishes of Hollington and Horsham aforesaid, other Parts of the same Estates, and for laying out the Money arising by such Sale in the Purchase of other Estate, to be settled to the same Uses.'
36. An Act for authorizing the Sale of certain Estates in the Counties of Galway and Mayo devised by the Will of the Right Honourable John late Lord Clanmorris deceased, and for laying out the Monies thence arising in the Purchase of other Estates, to be settled to the same Uses.
37. An Act to enable the Right Honourable Thomas Earl of Wilton, and the Person or Persons for the Time being entitled to the Estates devised by or standing limited to the Uses of the Wills of the Right Honourable Thomas late Earl of Wilton and the Right Honourable Eleanor late Countess of Wilton, both deceased, to make Conveyances in Fee or Demises for long Terms of Years of certain Parts of the said Estates, for building on or improving the same, under reserved yearly Rents.
38. An Act to enable the Court of Chancery in Ireland to appoint other Persons to act under the Family Settlement of the Marquis of Donegal and Earl of Belfast, bearing Date the Twenty-eighth of October One thousand eight hundred and twenty-two, in the Place of Thomas Ball and Thomas Ellis deceased.

39. An Act for vesting Settled Estates in the Township of Headingley-cum-Burley in the Parish of Leeds in the County of York, of which John Henry Fawcett Esquire is Tenant for Life, in Trustees for Sale, and for investing the Monies to be produced thereby in the Purchase of other Estates, to be settled to the same Uses.
40. An Act for empowering the Trustees of the Will, as to his Real Estate, of Silvanus Bevan Esquire, deceased, to sell the Freehold Estates in the Counties of Wilts and Berks devised by the same Will, and for laying out the Money to arise from such Sale in the Purchase of other Estates, to be settled to the same Uses.
41. An Act to alter and amend an Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King Edward the Sixth in Birmingham in the County of Warwick to erect a Schoolhouse, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity; and for other Purposes.'
42. An Act for exchanging Part of the Settled Estates of the Most Honourable the Marquis of Bute and Earl of Dumfries in the County of Glamorgan, in England, for Estates of the said Marquis in the Counties of Ayr, Wigton, and Bute, in Scotland; and for other Purposes.
43. An Act for extending the Powers of Sale and Exchange contained in the Marriage Settlement of Francis Adams the younger, Esquire; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

7 WILLIAM IV.

44. An Act for naturalizing Martin Alepson and Matthew Alepson.
45. An Act for naturalizing Michael Castelli.
46. An Act for naturalizing Frank Castelli.
47. An Act for naturalizing Abraham Victor Salamé.
48. An Act for naturalizing Bernard Mette.
49. An Act for naturalizing Henry Anthony Mette.
50. An Act for naturalizing John Becker.
51. An Act to dissolve the Marriage of Charles Gardener Esquire with Harriet Maria Elizabeth his now Wife, and to enable him to marry again; and for other Purposes.
52. An Act for naturalizing Ernesto Domenico Damiano Rapallo.
53. An Act for naturalizing Angelo Antonio Solari.
54. An Act for naturalizing Edmee Nicole Pulcherie Felice Hales and her infant Daughter.
55. An Act for naturalizing Charles Frederick Huth.
56. An Act for naturalizing Daniel Meinertshagen.

1 VICTORIA.

57. An Act for naturalizing Andrew Martin.
58. An Act for naturalizing Dame Marie Louise Peline De Dalberg Acton and her infant Son Sir John Emerigh Edward Dalberg Acton Baronet.

INDEX

TO THE

PUBLIC GENERAL ACTS,

7 WILL. IV. AND 1 VICTORIA,

Shewing whether they relate to the Whole or any Part of the United Kingdom, viz.

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| <i>E.</i> signifies that the Act relates to | England (and Wales; if the Subject extends so far). |
| <i>S.</i> | Scotland. |
| <i>I.</i> | Ireland. |
| <i>E. & I.</i> | England and Ireland. |
| <i>G.B.</i> | Great Britain. |
| <i>G.B. & I.</i> | Great Britain and Ireland. |
| <i>U.K.</i> | The Whole of the United Kingdom. |

| | Cap. Relating to. | | Cap. Relating to. |
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| Actions and Suits relating to Real Property, amending the Act 3 & 4 Will. 4. c. 27, for the Limitation of, and for simplifying the Remedies for trying the Rights thereto .. | 28. E. & I. | Attornies, amending the several Acts for the Regulation of..... | 56. E. |
| Admiralty (Commissioners of), transferring to them all Contracts, &c. entered into with the Postmaster General in relation to the Packet Service | 3. U.K. | Bank of Ireland, to postpone until 1st January 1839 the Repayment of certain Sums advanced by, for the Public Service..... | 59. I. |
| Alienation of Corporate Property in certain Towns, to restrain | 74. I. | Bankrupt, to appoint a Second Commissioner of, and to amend 6 & 7 Will. 4. c. 14, amending the Laws relating to Bankrupts | 48. I. |
| Animals, extending to Ireland the Act 5 & 6 Will. 4. c. 59, consolidating the Laws relating to the cruel and improper Treatment of | 66. I. | Beet Root, imposing certain Excise Duties on Sugar made from | 57. U.K. |
| Appropriation Acts..... | { 6. U.K. 11. U.K. 79. U.K. | Bills of Exchange, exempting certain, from the Operation of the Laws relating to Usury..... | 80. U.K. |
| Arbitration of Disputes between Masters and Workmen, amending 5 Geo. 4. c. 96. respecting | 67. G.B. | Births, suspending for a limited Time the Operation of 6 & 7 Will. 4. c. 86, for registering | 1. E. |
| Army, annual Act for the Payment, &c. of.. | 7. U.K. | — explaining and amending the Act 6 & 7 Will. 4. c. 86, for registering..... | 22. E. |
| — enabling Her Majesty to grant the Rank of General Officers to Foreigners now bearing Her Majesty's Commission, and to permit the Enlistment of Foreigners under certain Restrictions..... | 29. U.K. | Births of Children, to provide for the Costs of Prosecutions for concealing, by secret burying or otherwise disposing of their Dead Bodies | 44. E. |
| — continuing Military Commissions in force notwithstanding the Demise of the Crown | 31. U.K. | Blasphemy, amending Act of 6 Geo. 4. c. 48, for restricting the Punishment of..... | 5. S. |
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| | | Carriages with less than Four Wheels, extending an Exemption granted by 6 & 7 | |

| | Cap. Relating to. | | Cap. Relating to. |
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| Will. 4. c. 56, from Assessed Taxes in respect of | 61. G.B. | Criminal Court. See Central Criminal Court. | |
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| Churches (new), prolonging for Ten Years Her Majesty's Commission for building .. | 75. E. | — Punishment of, abolished in certain Cases | 91. E. & I. |
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| Civil Bill, amending the Laws for the Recovery of Small Debts by | 43. I. | Debts (Small), for the more effectual Recovery of, in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs | 41. S. |
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| Companies (trading and other), for better enabling Her Majesty [by Letters Patent] to confer certain Powers and Immunities on | 73. U.K. | Dublin Metropolis Police, to make more effectual Provisions relating to | 25. I. |
| Consolidated Fund, for carrying to, certain Monies paid into the Exchequer, and usually applied as Part of annual Aids and Supplies | 17. U.K. | Durham County, for the Regulation of the Coroners of | 64. E. |
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| Creditors in Scotland, continuing until 1st May 1838 the Act 54 Geo. 3. c. 137, for rendering the Payment of, more equal and expeditious | 40. S. | Ecclesiastical Jurisdictions, for preventing the immediate Effects on, of the Measures in progress for the Alteration of Dioceses, &c. | 71. E. |

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| — authorizing a further Issue of, for Public Works and Fisheries, and Employment of the Poor | 51. G.B. & I. | Justices of the Peace for Counties, Ridings, or Divisions, enabled to divide their Courts of Quarter Sessions in certain Cases | 19. E. |
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| Excise, amending certain Laws of, relating to the Duties on Malt made in the United Kingdom | 49. U.K. | — transferring and vesting the Royal Military Canal, &c. in Kent and Sussex, and also the Rates and Tolls arising therefrom, in the principal Officers of His Majesty's Ordnance | 20. E. |
| — imposing certain Duties of, on Sugar made from Beet Root | 57. U.K. | — for correcting mistaken References to His late Majesty in Acts of this Session of Parliament | 60. U.K. |
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| Fermanagh, amending the Law relating to Grand Juries in Ireland, so far as to empower the Grand Jury of the County of, to reconstruct the Baronial Subdivisions thereof | 82. I. | Lands and Buildings, facilitating the Conveyance of, for the Purposes of the Acts 4 & 5 Will. 4. c. 76. and 5 & 6 Will. 4. c. 69.... | 50. E. |
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| Foreigners bearing Her Majesty's Commission enabled to receive the Rank of General Officers, and for permitting the Enlistment of Foreigners under certain Restrictions | 29. U.K. | Letters and Packets (franking); regulating the sending and receiving of Letters and Packets by the Post free from Postage .. | 35. U.K. |
| Forgery, abolishing Punishment of Death in Cases of | 84. U.K. | — See also Post Office. | |
| Franking. See Letters and Packets. | | Letters Patent. See Companies. | |
| Grand Juries, amending. 6 & 7 Will. 4. c. 116, for consolidating and amending the Laws relating to Presentments of Public Money by | 2. I. | Limitation of Actions and Suits relating to Real Property, amending 3 & 4 Will. 4. c. 27. for | 28. E. & I. |
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| Hereditary Revenues; discharging His Majesty's Manor and Demesne Lands at Newark, co. Notts, from Costs of rebuilding and repairing Trent and Markham Bridges, and to charge same on other Hereditary Revenues | 15. E. | Marine Forces, while on Shore, annual Act for the Regulation of | 8. U.K. |
| Indemnity Act, annual | 12. U.K. | — for continuing Commissions in the Royal Marines in force notwithstanding the Demise of the Crown | 31. U.K. |
| Inquests (Coroners), providing for the Payment of the Expenses of holding | 68. E. | Markham Bridge. See Newark. | |
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| Judges Lodgings, explaining and amending 7 Geo. 4. c. 63, to provide for the improving and rebuilding of | 24. E. | — explaining and amending the Act 6 & 7 Will. 4. c. 85, for solemnizing, and the Act 6 & 7 Will. 4. c. 89, for Registration of .. | 22. E. |
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| | | Masters and Workmen, amending 5 Geo. 4. c. 96, respecting the Arbitration of Disputes between | 67. G.B. |

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| Metropolis, Office of a Justice of the Peace in and near; continuing till 1st July 1838 the Act 3 & 4 Will. 4. c. 19, for the more effectual Administration of the..... | 38. E. | make more effectual Provisions relating to the | 25. I. |
| Military Canal. See Royal Military Canal. | | Poor Laws, to facilitate the Conveyance of Lands under | 50. E. |
| Militia, suspending the making of Lists and the Ballots and Enrolments for..... | 52. U.K. | Poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, altering, amending, and continuing the Act 3 & 4 Will. 4. c. 40, relating to the Removal of..... | 10. G.B. |
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| Millbank, amending the Acts for regulating the General Penitentiary at | 13. G.B. | Postmaster General, transferring to the Commissioners of the Admiralty all Contracts, &c. entered into with the, in relation to the Packet Service..... | 3. U.K. |
| Mint (Royal), amending several Acts relating to | 9. U.K. | Post Office, repealing the several Laws relating to | 32. U.K. |
| Monies (Public), to provide more effectual Means for making Treasurers of Counties and Counties of Cities account for | 54. I. | — for the Management of..... | 33. U.K. |
| Municipal Corporations, amending Act for the Regulation of | 78. E. | — for the Regulation of the Duties of Postage | 34. U.K. |
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| Mutiny Act, annual..... | 7. U.K. | — for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions used therein | 36. U.K. |
| National Debt (Commissioners for the Reduction of), for cancelling Stock transferred to, on account of the Redemption of Land Tax..... | 17. U.K. | — to impose Rates of Packet Postage on East India Letters, and to amend certain Acts relating to the Post Office..... | 76. U.K. |
| Newark, co. Notts, discharging His Majesty's Manor and Demesne Lands at, from Costs of rebuilding and repairing Trent and Markham Bridges, and to charge same on other Hereditary Revenues | 15. E. | Presentments of Public Money by Grand Juries, amending 6 & 7 Will. 4. c. 116, for consolidating and amending the Laws relating to | 2. I. |
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| Notices, to alter the Mode of giving, for the holding of Vestries, and of giving Notices on Sundays with respect to various Matters..... | 45. E. | Promissory Notes, exempting certain, from the Operation of the Laws relating to Usury..... | 80. U.K. |
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| Offences against the Post Office, consolidating the Laws relative to, &c. | 36. U.K. | Public Works, amending Acts for the Extension and Promotion of | 81. I. |
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| Offices in Superior Courts of Common Law, abolishing certain, and making Provision for a more effective and uniform Establishment of Officers in those Courts..... | 30. E. | THE QUEEN;—authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties, &c. made with Foreign Powers, for the Suppression of the Slave Trade | 62. U.K. |
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| Pillory, abolishing the Punishment of | 23. E. | | |
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| Police in the District of Dublin Metropolis, to | | | |

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| and Immunities on trading and other Companies..... | 73. U.K. | Small Debts. See Debts. | |
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| Real Property, amending 3 & 4 Will. 4. c. 27, for the Limitation of Actions relating to, and for simplifying the Remedies for trying the Rights thereof | 28. R. & I. | Solicitors, amending the several Acts for the Regulation of..... | 56. E. |
| Recorder; empowering the Recorder or other Person presiding in Quarter Sessions in Corporate Cities and Towns, and Justices of the Peace for Counties, Ridings, or Divisions, to divide their respective Courts in certain Cases..... | 19. E. | Standing Orders of either House of Parliament, compelling Clerks of the Peace and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under | 83. G.B. & I. |
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| Recovery of Small Debts in the Sheriff Court ——— by Civil Bill, amending the Laws for..... | 43. S. | ——— from the Person, amending the Laws relating to | 87. E. & I. |
| Registration of Births, Deaths, and Marriages; suspending for a limited Time the Operation of 6 & 7 Will. 4. c. 86. for..... | 43. I. | Successor to the Crown, providing for the Appointment of Lords Justices in case of the next, being out of the Realm at the Time of the Demise of Her Majesty | 73. U.K. |
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| Removal of poor Persons born in Scotland and Ireland, altering, amending, and continuing the Act 3 & 4 Will. 4. c. 40, relating to the Removal of, &c. | 22. E. | ——— made from Beet Root, imposing certain Excise Duties on | 57. U.K. |
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| Scotland;—to interpret the Words "Sheriff," "Sheriff Clerk," "Shire," "Sheriffdom," and "County," occurring in Acts of Parliament relating to..... | 20. E. | Tithe Compositions, reviving and continuing till 6th April 1838, 6 & 7 Will. 4. c. 95, for suspending Proceedings for recovering Payment of the Money advanced under the Acts for establishing..... | 58. I. |
| Sedition, amending Act of 6 Geo. 4. c. 47, for restricting the Punishment of | 39. S. | Tithes, Commutation of, amending the Act 6 & 7 Will. 4. c. 71, for the | 69. E. |
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| Ships, amending the Laws relating to burning and destroying | 55. E. | Treasurers of Counties and Counties of Cities; providing more effectual Means to make them account for Public Monies | 54. I. |
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| | | Workmen, amending 5 Geo. 4. c. 96, respecting the Arbitration of Disputes between Masters and | 63. G.B. |
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THE LAW JOURNAL.

NEW SERIES.

MONTHLY LIST

OF

BANKRUPTS, CERTIFICATES, AND DIVIDENDS,

ADVERTISED IN THE LONDON GAZETTE

DURING THE YEARS

1832, 1833, 1834, 1835, AND 1836.

LONDON:

Printed by JAMES HOLMES, No. 4, Took's Court, Chancery Lane.

PUBLISHED BY E. B. INCE, No. 5, QUALITY COURT, CHANCERY LANE.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in financial matters. The text suggests that organizations should implement robust systems to track and document every aspect of their operations, from procurement to sales.

2. The second part of the document addresses the challenges associated with data management and security. It highlights the need for organizations to protect sensitive information from unauthorized access and ensure the integrity of their data. The text recommends the use of secure storage solutions and regular security audits to mitigate risks.

3. The third part of the document focuses on the importance of communication and collaboration within an organization. It stresses that effective communication is key to achieving organizational goals and resolving conflicts. The text encourages the use of various communication channels, including face-to-face meetings, email, and instant messaging, to foster a collaborative work environment.

4. The fourth part of the document discusses the role of technology in modern business operations. It notes that technology has revolutionized the way businesses operate, enabling them to streamline processes and improve efficiency. The text suggests that organizations should embrace digital tools and platforms to enhance their productivity and competitiveness.

5. The fifth part of the document addresses the importance of employee training and development. It emphasizes that investing in the growth of the workforce is crucial for long-term success. The text recommends providing regular training opportunities and encouraging continuous learning to keep employees up-to-date with the latest industry trends and technologies.

6. The sixth part of the document discusses the importance of maintaining a positive corporate culture. It suggests that a strong, positive culture can lead to higher employee morale and productivity. The text recommends that organizations should clearly define their values and mission statement, and ensure that these are reflected in all aspects of their operations.

7. The seventh part of the document addresses the importance of financial management. It emphasizes that sound financial practices are essential for the sustainability of any organization. The text suggests that organizations should maintain a clear budget, monitor expenses closely, and ensure that they are meeting their financial obligations on time.

8. The eighth part of the document discusses the importance of legal compliance. It notes that organizations must adhere to all relevant laws and regulations to avoid legal penalties and reputational damage. The text recommends that organizations should consult with legal counsel to ensure they are fully compliant with all applicable laws.

9. The ninth part of the document addresses the importance of customer satisfaction. It emphasizes that providing excellent customer service is a key factor in building a loyal customer base. The text suggests that organizations should actively seek feedback from their customers and use this information to improve their products and services.

10. The tenth part of the document discusses the importance of innovation and creativity. It suggests that organizations should foster a culture of innovation and encourage employees to think outside the box. The text recommends that organizations should invest in research and development to stay ahead of the competition and develop new products and services.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF FEBRUARY, 1837.

BANKRUPTS.

London Gazette, Friday, February 3, 1837.

BANKRUPTCIES SUPERSEDED.

HUDSON Joseph, and Thomas Busher, of White Lion-street, Spital-fields, silk-manufacturers.

WALKER John, and James Walker, of Leeds, cloth-merchants, as to James Walker alone.

TOWN AND COUNTRY FIATS.

BOULTER William, of the High-street, in the city of Worcester, tobacconist, *d. c.*—Sols. Douglass & Cragg, Verulam-buildings, and Jones & Smith, Ledbury. Fiat, Jan. 6.

BURKE John, of Golden-lane, St. Luke's, and of Camden-row, Bethnal-green, in the county of Middlesex, soap-maker and tallow-chandler.—Official assignee, Lackington, Basinghall-street.—Sols. Lake & Curtis, Basinghall-street. Fiat, Jan. 31.

BURN Edward, of St. Helen's-place, in the city of London, merchant, commission-agent, *d. c.* (trading under the firm of James Burn & Co.)—Official assignee, W. Whitmore, Basinghall-street.—Sols. Baxendale & Co. Great Winchester-street. Fiat, Feb. 2.

BUTCHER Joseph, of Birmingham, in the county of Warwick, chemist and druggist, *d. c.*—Sols. Battye & Co. Chancery-lane, Cradock, Nuneaton, and Hebbert, Birmingham. Fiat, Jan. 17.

COLE John James, late of the Anchor Brewery, Britton-street, Chelsea, in the county of Middlesex, ale-brewer, *d. c.* (and now a prisoner detained for debt in the prison of the Marshalsea and Palace Courts).—Official assignee, Pennell, Basinghall-street.—Sol. Madox, Austin-friars. Fiat, Feb. 2.

CRAM John, of Northfleet and Dartford, in the county of Kent, and of Whitefriars New Wharf, in the city of London, coal-merchant.—Official assignee, Johnson, Basinghall-street.—Sol. Toulmin, Old Jewry. Fiat, Jan. 31.

DE BURGH William, of Bishopsgate-street Without, in the city of London, licensed victualler.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Dimmock, Bond-court, Walbrook. Fiat, Feb. 2.

FLETCHER Alexander, of Redbridge, in the parish of Millbrook, in the county of Southampton, auctioneer, broker, *d. c.*—Sols. Randall & Eldridge, Southampton, and Makinson & Sanders, Temple. Fiat, Jan. 4.

HARTLEY James, of Colne, in the county of Lancaster, draper, *d. c.*—Sols. Milne & Co. Temple, and Crossley & Sudlow, Manchester. Fiat, Jan. 24.

HARTLEY Joseph, of Stickney, in the county of Lincoln, victualler, *d. c.*—Sols. Walker & Son, Spilsby, and Walmaley & Co. Chancery-lane. Fiat, Jan. 21.

HOLDSWORTH Henry, of Halifax, in the county of York, and Alfred Knight, of London-wall, in the county of Middlesex, worsted spinners, manufacturers, and copartners, (trading under the firm of Holdsworth & Knight, at Halifax aforesaid, and Knight & Holdsworth, at London-wall aforesaid).—Sols. Alexander, Halifax, and Emmett, New Inn. Fiat, Jan. 21.

IREDALE William, of Ranskill, in the parish of Blyth, and county of Nottingham, horse-dealer, *d. c.*—Sols. Bell, Bedford-row, and Cartwright, Bawtry, Yorkshire. Fiat, Jan. 26.

LADYMAN Thomas, of Liverpool, in the county of Lancaster, iron-monger, *d. c.*—Sols. Avison & Son, Liverpool, and Adlington & Co. Bedford-row. Fiat, Jan. 14.

d. c. dealer and chapman.

2. BANK. 1837.

MEDLEY William, and Arthur Ouvry Medley, of Aylesbury, in the county of Buckingham, of Uxbridge, in the county of Middlesex, and of Windsor, in the county of Berks, bankers, *d. c.* (carrying on business under the firm of William Medley, Son, & Co.)—Official assignee, Abbott, King's Arms-yard.—Sols. Jones & Ward, John-street, Bedford-row. Fiat, Jan. 31.

MORE George, and James Woolly, of No. 86, Basinghall-street, in the city of London, wholesale woollen-draper, Blackwell-hall factors, *d. c.* and copartners.—Official assignee, Goldsmid, Iron-monger-lane.—Sols. Fox & Co. Basinghall-street. Fiat, Feb. 2.

PEGG Harry, of the Royal Hotel, Tunbridge Wells, in the county of Kent, hotel-keeper, *d. c.*—Official assignee, T. M. Alsager, Abchurch-lane.—Sols. Treherne & White, Leadenhall-street. Fiat, Feb. 2.

PIERPOINT Thomas, now or late of Warrington, in the county of Lancaster, draper, *d. c.*—Sols. Johnson & Weatherall, Temple, and Carver, jun., Nantwich. Fiat, Jan. 9.

RAINES Horatio, and John Savage, of Dukinfield, in the county of Chester, steam-boiler makers and copartners, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, Jan. 27.

SPRADBROW James William, of Newington, near Sittingbourne, in the county of Kent, tea-dealer, grocer, *d. c.*—Official assignee, D. Cannan, Sarnbrook-court.—Sols. Hardwick & Davidson, Lawrence-lane. Fiat, Jan. 27.

SPLAINE William, of Liverpool, in the county of Lancaster, coal-merchant and commission agent, *d. c.*—Sols. Taylor & Co. Bedford-row, and Lowndes & Robinson, Liverpool. Fiat, Jan. 19.

STAFFORD John, late of Haigh Bar, near New Mill, in the parish of Glossop, in the county of Derby, victualler, *d. c.* (but now a prisoner for debt in His Majesty's gaol of Derby, in and for the county of Derby).—Sols. Higginbottom & Buckley, Ashton-under-Lyne, and Clarke & Medcalf, Lincoln's Inn-fields. Fiat, Jan. 14.

STODDART Charles, of Bank Chambers, Tokenhouse-yard, in the city of London, and of Wilson-street, Finsbury-square, in the county of Middlesex, and of Chesbunt, in the county of Herts, money-scrivener, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Thompson & Hewitt, Great James-street. Fiat, Jan. 26.

WHITE Charles, of Willingale Spain, in the county of Essex, goose-feeder, higher, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sols. Carter & Gregory, Lord Mayor's Court. Fiat, Jan. 31.

WILMOT John, of Lenton, in the county of Nottingham, and of the town of Nottingham, coach-proprietor, *d. c.*—Sols. Payne, Nottingham, and Taylor & Collisson, Great James-street, Bedford-row. Fiat, Jan. 28.

WILSON Richard, late of Scotland-road, in Liverpool, in the county of Lancaster, tallow-chandler, *d. c.*—Sols. Armstrong, Staple Inn, and Vandenhoff, Liverpool. Fiat, Jan. 14.

Gazette, Tuesday, February 7.

BANKRUPTCY SUPERSEDED.

EVERSHED Charles, of Gosport, soap-manufacturer.

HOWE Charles, of Crickhowell, linen-draper.

ROWE William, of Truro, grocer.

TOWN AND COUNTRY FIATS.

BARMBY William, now or late of Pudsey, near Leeds, in the county of York, tallow-chandler, grocer, *d. c.*—Sols. Alexanders, Halifax, and Emmett, New Inn. Fiat, Jan. 21.

BEESELY Thomas, of Faringdon, in the county of Berks, grocer.—Sols. Hester, Oxford, and Baxters, Lincoln's Inn-fields. Fiat, Jan. 31.

BRIGGS Samuel Manton, of Barnet, in the county of Herts, plumber, painter, and glazier, *d. c.*—Official assignee, W. Turquand, Copthall-court.—Sols. Vandercom & Co. Bush-lane. Fiat, Feb. 6.

CROSSLEY John, and Jonathan Crossley, both of Farnley Tyas, in the parish of Almondbury, in the county of York, cloth-manufacturers, *d. c.* (carrying on business under the firm of John Crossley & Son).—Sols. Battye & Co. Chancery-lane, and Kidd, Holmfirth. Fiat, Jan. 27.

DELL Thomas, the younger, of Chingford-green, in the county of Essex, butcher, and of Mott-street, Newardstone, in the county of Essex, coach-proprietor and farmer.—Official assignee, Belcher, King's Arms-yard.—Sols. Dawes & Fraser, Serjeant's Inn. Fiat, Feb. 3.

EVERETT William Hart, of Manchester, in the county of Lancaster, commission-agent, *d. c.*—Sols. Abbott & Arney, Charlotte-street, Bedford-square, and Bennett, Manchester. Fiat, Jan. 21.

KILVINGTON Thomas, of Brough, in the county of Westmoreland, innkeeper, *d. c.*—Sols. Capes, Raymond-buildings, and Sauls, Carlisle. Fiat, Jan. 25.

MILLER George, of the city of Bath, in the county of Somerset, victualler, *d. c.*—Sols. Jones, Crosby-square, and Hellings, Bath. Fiat, Jan. 10.

PERRITT Thomas Carrick, of the town of Kingston-upon-Hull, money-scrivener, *d. c.*—Sols. Colver, Hull, and Walmsley & Co. Chancery-lane. Fiat, Jan. 30.

RICHARDS John, and Joseph Richards, of No. 8, Morris's-walk, Bridge-street, Southwark, in the county of Surrey, corn and coal measure makers, warehousemen, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Neal, Threadneedle-street. Fiat, Feb. 3.

SEED John, late of Catteral, in the county of Lancaster, spindle and fly maker, *d. c.*—Sols. Fiddey, Serjeant's Inn, and Gardner, Garstang. Fiat, Jan. 28.

SHILTON John, of the township of the foreign of Walsall, in the parish of Walsall, in the county of Stafford, carpenter and builder, *d. c.*—Sols. Rickards & Walker, Lincoln's Inn-fields, and Thomas, jun., Walsall. Fiat, Jan. 31.

SWAN Hugh, the younger, of Little Hampton, in the county of Sussex, grocer and draper.—Sols. Holmes, Arundel, and Hillier & Co. Raymond-buildings. Fiat, Jan. 25.

WESCOTT Thomas, of Treva Weir Mills, in the parish of St. Leonard, in the county of Devon, paper-maker, *d. c.*—Sols. Terrell, Basinghall-street, and Terrell, Exeter. Fiat, Jan. 24.

Gazette, Friday, February 10.

BANKRUPTCY ENLARGED.

WILLIAMS John Wilson, of Liverpool, timber-merchant.

TOWN AND COUNTRY FIATS.

BARNETT John, of Stourport, in the county of Worcester, Severn carrier, wharfinger, *d. c.* (trading under the firm of Barnett & Co.)—Sols. Michael, Red Lion-square, and Bird & Saunders, Kidderminster. Fiat, Jan. 24.

BINGHAM Nathaniel, of No. 42, Old Bond-street, in the county of Middlesex, surgeon and apothecary, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Gresham & Miller, Castle-street, Holborn. Fiat, Feb. 7.

BODMAN William, late of Christmas-street, in the borough of the city of Bristol, tallow-chandler, *d. c.* (but now a prisoner in His Majesty's gaol of Newgate, of and for the said borough and city).—Sols. Makinson & Sanders, Temple, and Haberfield, Bristol. Fiat, Feb. 2.

BURY Caleb Radcliffe, of Hulme, in the parish of Manchester, in the county of Lancaster, drysalter, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Mawson, Manchester. Fiat, Jan. 31.

CHANDLER Thomas, late of Wood-street, Cheapside, in the city of London, and also late of City-terrace, City-road, in the county of Middlesex, warehouseman, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sols. Willis & Co. Tokenhouse-yard. Fiat, Feb. 8.

GREER John Robert, of St. Stephen's-avenue, in the borough of the city of Bristol, provision-merchant, corn-merchant, porter-dealer, *d. c.*—Sols. Makinson & Sanders, Temple, and Haberfield, Bristol. Fiat, Feb. 4.

HIGGS James Brooksbank, and Thomas Gay Ransford, of Manchester, in the county of Lancaster, hat-manufacturers, *d. c.* and copartners (also carrying on business in the city of London, as hat sellers).—Sols. Johnson & Co. Temple, and Seddon & Mawson, Manchester. Fiat, Feb. 3.

LANCASHIRE Joseph, of Wirksworth, in the county of Derby, currier, *d. c.*—Sols. Adlington & Co. Bedford-row, and Hubberty, Wirksworth. Fiat, Feb. 2.

WEST Joseph, of High-street, Shoreditch, in the county of Middlesex, grocer.—Official assignee, G. Gibson, Basinghall-street.—Sols. Oliveron & Co. Frederick's-place. Fiat, Jan. 25.

WOODTHORP Henry, of Avely, in the county of Essex, grocer, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sol. Sandell, Bread-street. Fiat, Feb. 8.

Gazette, Tuesday, February 14.

BANKRUPTCY SUPERSEDED.

WRIGHT William, of Harrow-on-the-Hill, banker.

TOWN AND COUNTRY FIATS.

BRAMHALL John Sykes, of the borough of the city of Bristol, cutler and hardwareman, *d. c.* (carrying on trade under the firm of James Bramhall & Son).—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, Feb. 9.

BROWN Samuel, and James Cheetham, both of Manchester, in the county of Lancaster, commission-agents, *d. c.* and copartners (carrying on business in Manchester aforesaid, in the firm of Brown & Cheetham).—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, Feb. 8.

BUSSELL Joseph, the younger, of Taunton, St. Mary Magdalen, in the county of Somerset, tailor, *d. c.*—Sols. Austen & Hobson, Gray's Inn, and Shillibar, Taunton. Fiat, Feb. 6.

CHISHOLM John, of No. 2, Abchurch-yard, in the city of London, copper and dentist, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Jeyes, Chancery-lane. Fiat, Feb. 11.

DAKEGNE Daniel, and Thomas Wanklyn, of Manchester, in the county of Lancaster, and of Gradbatch, in the county of Stafford, flax-spinners, *d. c.* (carrying on business in partnership under the firm of Daniel Dakegne & Co.).—Sols. Higson & Son, Manchester, and Johnson & Co. Temple. Fiat, Feb. 6.

DELLIER Desiré, of Berners-street, Oxford-street, in the county of Middlesex, upholsterer, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Bailey & Co. Berners-street. Fiat, Feb. 11.

DUNN Henry, of Manchester, in the county of Lancaster, provision dealer, *d. c.*—Sols. Hume & Maude, Great Winchester-street, and Barratt, jun. Manchester. Fiat, Feb. 2.

GEE William, of the town and county of the town of Nottingham, lace-manufacturer, victualler, *d. c.*—Sols. Percy & Co. Nottingham, and Austen & Hobson, Raymond-buildings. Fiat, Feb. 3.

GRAY James, the elder, of Manchester, in the county of Lancaster, paper-manufacturer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Hart, Manchester. Fiat, Feb. 4.

HEARLE George Wills, of the borough of Devonport, in the county of Devon, printer and stationer, *d. c.*—Sols. Hickman & Barnes, Ely-place, and Beer, Devonport. Fiat, Jan. 20.

HOLTOM William, of Leamington Priors, in the county of Warwick, builder, *d. c.*—Sols. Taylor & Co. Bedford-row, and Haynes & Moore, Warwick. Fiat, Feb. 6.

LONGSTAFF William, and William Henry Longstaff, of No. 14, Bury-street, St. James's, in the county of Middlesex, tailors and copartners in trade, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Jackson, New Inn. Fiat, Feb. 8.

MASON William, of Pickett-street, Strand, in the liberty of Westminster, bookseller, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Le Blanc & Co. New Bridge-street. Fiat, Feb. 11.

PIGOTT John Birks, of Darlington, in the county of Durham, linen-manufacturer, *d. c.*—Sols. Tilsons & Co. Coleman-street, and Allson, Darlington. Fiat, Feb. 7.

ROOM William, of Manchester, in the county of Lancaster, picker manufacturer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Hart, Manchester. Fiat, Feb. 4.

SAUL Joseph, of Green-row, in the parish of Holme Cullram, in the county of Cumberland, schoolmaster, *d. c.*—Sols. Capes, Raymond-buildings, and Sauls, Carlisle. Fiat, Feb. 4.

SHINDLER John, of Brompton, in the parish of Gillingham, in the county of Kent, butcher, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Baxters, Lincoln's Inn-fields. Fiat, Feb. 4.

SUFFIELD Joseph, of Leicester, in the county of Leicester, brazen-manufacturer and carpet-dealer, *d. c.*—Sols. Luck, Leicester, and Taylor & Son, John-street, Bedford-row. Fiat, Jan. 31.

THATCHER Robert, and William Thatcher, of New Mills, in the county of Derby, cotton-spinners, candle-wick makers, *d. c.* and copartners.—Sols. Law, Manchester, and Adlington & Co. Bedford-row. Fiat, Feb. 2.

TULLEY Alfred, of Church-street, Hackney, in the county of Middlesex, grocer and ginger-beer manufacturer, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Bennett & Paul, Bucklersbury. Fiat, Feb. 7.

WARR Thomas, late of Allweston, in the county of Dorset, since of Blandford Forum, in the same county, builder, *d. c.*—Sols. Newman, Yeovil, and Berford, Temple. Fiat, Jan. 19.

WIGGINS James, of High Holborn, in the county of Middlesex, woollen-draper.—Official assignee, G. Gibson, Basinghall-street.—Sol. Cox, Bush-lane. Fiat, Jan. 30.

Gazette, Friday, February 17.

TOWN AND COUNTRY FIATS.

ALLNUTT Zachary, of Wycombe, in the county of Buckingham, paper-manufacturer, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sol. Braham, New Inn. Fiat, Feb. 15.

ASPINALL James, of Halifax, in the county of York, woolstapler, *d. c.*—Sols. Emmett, New Inn, and Mitchell, Halifax. Fiat, Feb. 8.

COCKCROFT William, and John Whitaker, both of Southowram, in the parish of Halifax, in the county of York, stone-merchants, *d. c.* and copartners.—Sols. Jaques & Co. Ely-place, Stocks & Macaulay, and Parker & Adams, Halifax. Fiat, Feb. 3.

COUNT Thomas, of Colchester, in the county of Essex, wine-merchant, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Mitchell, Red Lion-square. Fiat, Feb. 11.

CRISPIN John Samuel, of St. Martin's-court, in the parish of St. Martin in the Fields, in the county of Middlesex, and of Tottenham-court-road, in the same county, boot and shoe maker, *d. c.*—Official assignee, Lackington, Basinghall-street.—Sols. Allen & Co. Carlisle-street. Fiat, Feb. 11.

DICKS Timothy, of Greenwich, in the county of Kent, corn-dealer, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Van Sandau, Old Jewry. Fiat, Feb. 14.

FLETCHER Samuel, of Great Marlborough-street, in the parish of St. James, Westminster, in the county of Middlesex, goldsmith and jeweller, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sol. Blacklow, Frith-street. Fiat, Feb. 15.

FORDHAM Thomas, of Leadenhall-market, in the city of London, poulterer, salesman, and commission-agent, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Fleming, Old Jewry. Fiat, Feb. 16.

GILBERT Edward, of St. Ann-street, in Manchester, in the county of Lancaster, shopkeeper, and also of the city of Dublin, in Ireland, hotel-keeper, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Lefevre, Birmingham. Fiat, Jan. 31.

LEAKE Thomas, of Orston, in the county of Nottingham, miller, flour-dealer, *d. c.*—Sols. Lee, Newark, and Milne & Co. Temple. Fiat, Jan. 27.

MARSHALL Samuel, of Sheffield, in the county of York, manufacturer of cutlery, *d. c.*—Sols. Tattershall, Great James-street, and Palfreyman & Bingley, Sheffield. Fiat, Feb. 9.

PASSEY Samuel, of Moor-street, Birmingham, in the county of Warwick, stationer, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sols. Fox & Meek, Basinghall-street. Fiat, Feb. 11.

ROBINSON George Blakiston, of Cross-lane, St. Mary at Hill, in the city of London, coal-factor, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Ogden, St. Mildred's-court. Fiat, Feb. 11.

ROSE Frederick Darley, of Isleworth and Hounslow, in the county of Middlesex, and of Trinity-place, Charing-cross, in the city of Westminster, builder and surveyor, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Harrison, Walbrook. Fiat, Feb. 14.

SHELTON Henry, of Syston, in the county of Leicester, shopkeeper, *d. c.*—Sols. Sanger, Essex-court, Temple, and Robinson & Ingram, Leicester. Fiat, Feb. 11.

SPENCER Christopher, of the Cornish Mount Tavern, on the Quay, in the parish of St. Stephen, in the city of Bristol, victualler, *d. c.*—Sols. Crosby, Bristol, and Clarke & Medcalf, Lincoln's Inn-fields. Fiat, Feb. 13.

TIMMINS James Willis, of Westbromwich, in the county of Stafford, nail-factor, *d. c.*—Sols. Bigg, Southampton-buildings, and Haywood, Birmingham. Fiat, Feb. 13.

WILSON Henry, of Duke-street, Southwark, in the county of Surrey, grocer.—Official assignee, Johnson, Basinghall-street.—Sols. Dawes & Fraser, Serjeant's Inn. Fiat, Feb. 10.

Gazette, Tuesday, February 21.

BANKRUPTCY SUPERSEDED.

ROBERTS Charles, of Oxford, victualler and livery-stable keeper.

TOWN AND COUNTRY FIATS.

BAILEY Thomas, of East Retford, in the county of Nottingham, saddler and harness maker, *d. c.*—Sols. Allen & Co. Carlisle-street, and Newton, East Retford. Fiat, Feb. 7.

BRANDSTROM John Peter, of the town of Kingston-upon-Hull, commission-merchant, *d. c.* (copartner in trade with William Joseph Thompson, of the same town).—Sols. Saxelbye, Hull, and Willan, Red Lion-square. Fiat, Feb. 7.

CLARKE John, of Liverpool, in the county of Lancaster, painter, plumber, and glazier, *d. c.*—Sols. Blackstock & Co. Temple, and Curry & Statnam, Liverpool. Fiat, Feb. 11.

DALTON Richard, of Derby, in the county of Derby, varnish and colour manufacturer.—Sols. Scargill, Hatton-court, Threadneedle-street, and Smith, Derby. Fiat, Jan. 23.

GLEDHILL Henry, and John Gledhill, of Clough Mill, in the township of Stansfield, in the parish of Halifax, in the county of York, cotton-manufacturers, *d. c.* and copartners, (carrying on trade at Clough Mill aforesaid, and also in Manchester, in the county of Lancaster, under the firm of William Gledhill & Sons).—Sols. Hadfield & Co. Manchester, and Johnson & Co. Temple. Fiat, Feb. 10.

GORE Thomas, of Clayton Mill, near Manchester, in the county of Lancaster, flax-spinner, *d. c.*—Sols. Adlington & Co. Bedford-row, and Hamilton, Manchester. Fiat, Feb. 14.

GRINDON Thomas Evans, of the borough of the city of Bristol, tiler, plasterer, painter, *d. c.*—Sols. Savery & Clark, and Hare & Little, Bristol, and Bridges & Mason, Red Lion-square. Fiat, Feb. 15.

HALL Daniel Wait, of Peter-street, in the city of Bristol, glazier and glass-seller, *d. c.*—Sols. White & Whitmore, Bedford-row, and Short, Bristol. Fiat, Feb. 11.

JOYCE Francis, of High-street, Southampton, in the county of Hants, bookseller, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Hobler, Walbrook. Fiat, Feb. 17.

KING William, of the Vauxhall Brewery, South Lambeth, in the county of Surrey, common brewer.—Official assignee, E. Edwards, Pancras-lane.—Sol. Garrard, Suffolk-street. Fiat, Feb. 8.

MORGAN Thomas, of Great Trinity-lane, Bread-street, Cheapside, in the city of London, carpenter and builder, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Van Sandau, Old Jewry. Fiat, Feb. 20.

WALTON Jonathan, of the town and county of the town of Newcastle-upon-Tyne, stationer, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Vandercom & Co. Bush-lane. Fiat, Feb. 13.

WHICHER William, of Chichester, in the county of Sussex, attorney-at-law and money-scrivener.—Sols. Kemp, Duke-street, St. James's, and Scott, Havant. Fiat, Feb. 11.

Gazette, Friday, February 24.

TOWN AND COUNTRY FIATS.

BANKS James, of Preston, in the county of Lancaster, bookseller, stationer, printer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Ascrofts, Preston. Fiat, Jan. 30.

BLYTHER George Francis, of High-street, in the city of Rochester, grocer, *d. c.*—Official assignee, Lackington, Basinghall-street.—Sols. Wood & Ellis, Corbet-court. Fiat, Feb. 21.

BRICKELL John Langford, formerly of the Anchor Tavern, St. Mary at Hill, in the city of London, licensed victualler, afterwards of Tottenham-court-road, in the county of Middlesex, pawnbroker, and late of Hackney-road, in the said county of Middlesex, oil-manufacturer.—Official assignee, G. Green, Aldermanbury.—Sol. Pollock, Red Lion-square. Fiat, Feb. 13.

FOWLER Matthias, of Lymington, in the county of Southampton, wine-merchant, victualler, *d. c.*—Sols. Thomson, Rolls Chambers, Chancery-lane, and Brown, Lymington. Fiat, Feb. 14.

HARBER Charles, of Croydon, in the county of Surrey, innkeeper, stage-coach proprietor, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Martins, Vintners' Hall. Fiat, Feb. 21.

HARTLEY William, now or late of Colne, in the county palatine of Lancaster, grocer, *d. c.*—Sols. Alcock & Dixon, Burnley, and Douglass & Cragg, Gray's Inn. Fiat, Feb. 13.

LAWES Thomas, of Lombard-street, in the city of London, bill-broker, money-scrivener, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sol. Jones, Gray's Inn-square. Fiat, Feb. 21.

LEA James, the younger, of the Shambles, in the parish of St. Swithin, in the city of Worcester, butcher, *d. c.*—Sols. White & Whitmore, Bedford-row, and Holdsworth & Finch, Worcester. Fiat, Feb. 16.

MASTERS William, of the city of Bath, in the county of Somerset, victualler, *d. c.*—Sols. Westmacott, Gray's Inn, and Dore, Bath. Fiat, Feb. 20.

MOTT Dighton, of Leadenhall-market, in the city of London, poultry-broker and dealer in game, *d. c.*—Official assignee, W. Pennell, Basinghall-street.—Sol. Sturmy, Wellington-street, London-bridge. Fiat, Feb. 22.

O'NEILL Allan Francis, John O'Neill, and Francis O'Neill, of Liverpool, in the county of Lancaster, merchants, *d. c.* and copartners, (carrying on business at Liverpool aforesaid, under the firm of Allan Francis O'Neill & Sons).—Sols. Mawdsley, Liverpool, and Adlington & Co. Bedford-row. Fiat, Feb. 18.

PERRY William, of Stourbridge, in the county of Worcester, grocer and tea-dealer, *d. c.*—Sols. Clowes & Wedlake, Temple, and Collis, Stourbridge. Fiat, Feb. 20.

ROBERTSON William, of Crutched-friars, in the city of London, ship-broker, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Langley, Gray's Inn. Fiat, Feb. 20.

SCOTT Octavius, of Margate, in the county of Kent, board and lodging-house keeper, *d. c.*—Sols. Selby, Margate, and Nicholls, Cook's-court. Fiat, Feb. 6.

SKAIFE William, of Halifax, in the county of York, linen-draper and silk-mercant, *d. c.*—Sols. Jaques & Co. Ely-place, and Mitchell, Halifax. Fiat, Jan. 24.

SMITH Thomas Caney, of Great St. Helen's, Bishopsgate-street Within, in the city of London, provision-merchant.—Official assignee, W. Turquand, Copthall-buildings.—Sols. Bush & Maister, St. Mildred's-court. Fiat, Feb. 22.

TOZER John Edmonds, of Milk-street, Cheapside, in the city of London, wholesale hostler, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Bartlett & Co. Nicholas-lane. Fiat, Feb. 21.

Gazette, Tuesday, February 28.

BANKRUPTCY ENLARGED.

CHARD Henry, of Liverpool, merchant.

BANKRUPTCY SUPERSEDED.

DOWLING Edward, of King-street, Tower-hill, and Castle-street, Shoreditch, grocer and tallow-chandler.

TOWN AND COUNTRY FIATS.

BALM Joseph, and John Rothwell, of the town and county of the town of Nottingham, and of Quorndon, in the county of Leicester, tanning and lace manufacturers, *d. c.*—Sols. Johnson & Co. Temple, and Cursham & Campbell, Nottingham. Fiat, Feb. 25.

BOYS George, of Rodley, in the township of Bramley, in the parish of Leeds, in the county of York, innkeeper, *d. c.*—Sols. Few & Co. Henrietta-street, Covent-garden, and Booth, Leeds. Fiat, Feb. 27.

BROWN Thomas, of Hulme, in the parish of Manchester, in the county of Lancaster, fancy waistcoating manufacturer, *d. c.*—Sols. Milne & Co. Temple, and Casson, Manchester. Fiat, Feb. 10.

BURGESS Daniel, of No. 9, Duke-street, Grosvenor-square, in the county of Middlesex, jeweller, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sol. Haynes, Gloucester-street, Queen-square. Fiat, Feb. 21.

CROW David, of Sheffield, in the county of York, tanner and fell-monger, *d. c.*—Sols. Batty & Co. Chancery-lane, and Smith, Sheffield. Fiat, Feb. 17.

CUNLIFF Richard, late of Over Darwen, in the county of Lancaster, cotton-manufacturer, *d. c.*—Sols. Makinson & Sanders, Temple, and Makinson, Blackburn. Fiat, Feb. 15.

DAKIN William, of Manchester, in the county of Lancaster, glass-manufacturer, paper-dealer, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, Feb. 21.

ELLIOTT Thomas, of the town and county of the town of Nottingham, and of Beeston, in the county of Nottingham, lace-manufacturer, *d. c.*—Sols. Johnson & Co. Temple, and Cursham & Co. Nottingham. Fiat, Feb. 24.

FLETCHER William Henry, of the town of Portsea, in the county of Southampton, grocer, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Sturmy, Wellington-street. Fiat, Feb. 23.

HARPER Ralph, of Heaton Norris, in the county of Lancaster, coach-proprietor, *d. c.*—Sols. Tyler, Staple Inn, and Vaughan, Stockport. Fiat, Feb. 21.

HEAP William, of Dukinfield, in the county of Chester, builder, brick-maker, *d. c.* (but now a prisoner for debt in His Majesty's gaol the Castle of Chester).—Sols. Clarke & Co. Lincoln's Inn-fields, and Higginbottom & Co. Ashton-under-Lyne. Fiat, Feb. 23.

HILL Samuel, of Leicester, in the county of Leicester, worsted-spinner, *d. c.*—Sols. Luck, Leicester, and Taylor & Son, John-street, Bedford-row. Fiat, Feb. 22.

O'CONNOR William, late of No. 36, Thomas-street, in the city of Dublin, tallow-chandler, and soap-boller, but now of No. 10, Arundel-street, in the county of Middlesex.—Official assignee, G. J. Graham, Basinghall-street.—Sol. Thornbury, Chancery-lane. Fiat, Feb. 24.

PONTIFEX Samuel, and William Farr, carrying on business under the style or firm of Pontifex & Farr, as copper-smiths, *d. c.* in Upper St. Martin's-lane, in the county of Middlesex.—Official assignee, Johnson, Basinghall-street.—Sol. Dodd, New Broad-street. Fiat, Feb. 14.

PREEDY Thomas, and William Preedy, of the city of Oxford, grocers, *d. c.*—Sols. Litchfield & Owen, Chancery-lane, and Ducklington, Witney. Fiat, Feb. 24.

ROBBINS Charles, of Digbeth, Birmingham, in the county of Warwick, currier and leather-cutter, *d. c.*—Sols. Blackstock & Co. Temple, and Hodgson, Birmingham. Fiat, Feb. 21.

SAYRE John, of No. 79, High-street, Shadwell, in the parish of St. Paul, Shadwell, in the county of Middlesex, cheesemonger.—Official assignee, G. J. Graham, Basinghall-street.—Sol. Horsley, Auction Mart, and Berners-street, Commercial-road East. Fiat, Feb. 21.

THOMAS Rees, of Chepstow, in the county of Monmouth, tailor, *d. c.*—Sols. ABeckett & Co. Lincoln's Inn-fields, and Timbrell, Bradford, Wilts. Fiat, Feb. 13.

VINEY John, of No. 18, Cornhill, in the city of London, tailor and draper.—Official assignee, G. Lackington, Basinghall-street.—Sols. Aston & Wallis, New Broad-street. Fiat, Feb. 25.

WARNER Robert William, of the Wrekin Tavern, Broad-court, Drury-lane, in the county of Middlesex, tavern-keeper, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Flower, Austin-friars. Fiat, Feb. 25.

ZANETTI Joseph, of Manchester, in the county of Lancaster, carrier and gilder, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, Feb. 22.

CERTIFICATES TO BE ALLOWED:

February 24.—Gazette, February 3.

Bush John, and Neast Greville Pridaux, of Bristol, scriveners.

Hogg Benjamin, jun., of Arnsley, Leeds, cloth-manufacturer.

Hutchinson Francis, of Heworth Chemical Works, Epsom salt and alkali manufacturer.

Loader James, of Hungerford-street, furnishing ironmonger.

Taylor Thomas, of Topping's Wharf, Toolsey-street, cheese-factor and provision-agent.

February 28.—Gazette, February 7.

Abercrombie William Henry, of Goodge-street, Tottenham court-road, brass-founder, (partner with Mary Anne Abercrombie).

Cussons George, of Manchester, cotton-spinner, (partner with Thomas Cussons, sen. and jun.)

Goulden William, of Leeds, tobacco-manufacturer.

Hayton Joseph, of Wigton, ship-owner.

Linney Thomas, of Arnewood, Hordle, Southampton, cattle-dealer.
Newson John, of Davies-street, Chelsea, brewer.
Ozendale William, of Scorton, Yorkshire, cattle-jobber.
Pollard William, of East Stonehouse, printer, stationer, and book-binder.

March 3.—Gazette, February 10.

Barrow Thomas, of Stanley, Stoke-upon-Trent, grocer, (partner with John Burrow).
Berry Adam, of King-street, Portman-square, poulterer.
Cooper Henry, of London-street, Ratcliff, flour-factor.
Fowler Michael, of Bushey, cattle-dealer and fruiterer.
Gerrard Nehemiah, and John Gerrard, of Manchester, cotton-spinners.
Hill James, of Montague-mews, Montague-square, hackneyman.
James John, of Clifton, grocer.
Lynch John Gilbert, of Macclesfield Wharf, New North-road, coal-merchant, (partner with James Kite).
Pettit George, of Rotherhithe, carpenter and auctioneer.
Smith Richard, of Regent-street, woollen-draper.
Witherby Richard, of Nicholas-lane, merchant.

March 7.—Gazette, February 14.

Bedford Paul John, of Percy-street, Bedford-square, music-seller.
Burrow Thomas, of Hanley, grocer, (partner with John Burrow).
Child Richard, of Berners-street, Oxford-street, upholsterer.
Cooke Francis, of Kidderminster, carpet-manufacturer.
Ferrers George Thomas, of King-street, Hammersmith, and Great Pultney-street, bedding manufacturer.
Holcroft Thomas, and George Holcroft, of Salford, millwrights and engineers, (partners with Thomas Challinor and Peter Farnworth).
Hughes Thomas, of Creams, in Little Lever, Lancashire, paper manufacturer.
Phipson William Howell, of Birmingham, coffee-house keeper.
Pootin Stephen, of Tottenham-court-road, builder and fishmonger.
Williams William, of Liverpool, timber-dealer, (partner with James Jackson).

March 10.—Gazette, February 17.

Green George, of Eagle-street, Red Lion-square, coach-broker, wheelwright and hackneyman.
Hays Richard, of Regent-street, bookseller.
Leigh Edward, of Ashton-under-Lyne, and Duckenfield, cotton-spinner.
Parker George, of Higham Ferrers, boot and shoe maker.

March 14.—Gazette, February 21.

Clark John, of Preatwich, dyer, (partner with George Wood).
Coles Charles, sen. and jun., of Great Tower-street, West India brokers.
Fca Charles, of Canterbury, woolstapler.
Hale John, of Bromley, maltster and corn merchant.
Knight Isaac, and Joseph Martin, of Manchester, corn-merchants.

March 17.—Gazette, February 24.

Cousens John, of Prinsted, Sussex, merchant.
Hooper James, of Upper Thames-street, and Grove-hill-terrace, Camberwell, cheese-factor and provision-agent.
Lingford John, of Nottingham, iron-founder.
Orrah Charles, of Huddersfield, draper.
Smith James, of Curson-street, May-fair, and Weymouth-street, Portland-place, furnishing-ironmonger.
Turner Richard, of Ollerton, farmer and butcher.

March 21.—Gazette, February 28.

Berry John, of Birmingham, glass-manufacturer and silversmith.
Drewe Joseph, of Keynsham, scrivener.
Herd Sarah, of Appleby, victualler.
Rout Richard Clark, of Southampton-buildings, Holborn, tailor.
Thomson Octavius, of London Wharf, Hackney, coal-merchant.
Turner Thomas, of New Bond-street, tailor.

DIVIDENDS.

Gazette, February 3.

Date of Fiat.
1836, ALEXANDER William Henry, and Charles Bolton Richards, of Upper Clifton-street, Finsbury, Middlesex, hardwaremen and factors; joint and sep. divs.
1836, CLAPP William Murray, of Exeter, ironmonger; div.
1834, COLBOURNE John, of Sturminster Newton Castle, Dorsetshire, and of Poole, merchant, (carrying on also business in co-partnership with Thomas Best, of Hazelbury Plucknett, Somersetshire, at Sturminster Newton Castle aforesaid, bankers); final div.
1836, COLLISON John Webb, and George Webb Collison, both of the Quadrant, Middlesex, linen-draper; divs.

3. BANK. 1837.

Date of Fiat.

1817, CONRAN Robert Pickmore, of Liverpool, Lancashire, cooper, (surviving partner of John Brown, late of Liverpool aforesaid, cooper, trading under the firm of John Brown & Co.); second and final div.
1835, DIXON William, of Scarborough, Yorkshire, draper; div.
1835, HIDES Robert, of Chesterfield, Derbyshire, grocer; final div.
1835, RETEMEYER Mynhard, of Liverpool, Lancashire, salt dealer; final div.
1836, STEPHENS Thomas, late of Chaxhill, of Westbury-upon-Severn, Gloucestershire, maltster; div.
1835, WOODS Richard, of Cambridge, builder; final div.
1833, WRIGHT Charles, of Dover, Kent, innkeeper; fur. div.
1836, YOUNG William, of Bridge-street, Bath, pawnbroker, picture-dealer, and silversmith; div.

Gazette, February 7.

1810, ATKINSON William, of Austin-friars, London, merchant; final div.
1823, BACK Robert, and John Bateman, lately copartners in trade as back-makers and malt-roasters, St. James's, Clerkenwell; final div.
1836, BATES Samuel, of Derby, grocer and spirit merchant; fin. div.
1832, BENFIELD William, of St. Mary-at-Hill, London, perfumer; final div.
1814, BLACKWELL Richard, and Samuel Needham, late of the Crescent, Minories, London, merchants; final div.
1836, BOWDLER Thomas, of Shrewsbury, Salop, perfumer; first and final div.
1836, BUSH John, and Neast Greville Prideaux, of Bristol, scriveners; joint div.
1836, COHEN Herman Jacob, of Great Prescott-street, Goodman's-fields, Middlesex, merchant; div.
1810, DE COUSHY Laurent Lewis, of New Bond-street, Middlesex, bookseller; final div.
1836, EDMONDS Thomas, of Fleet-street, London, victualler; div.
1836, ELLIOTT John, of Finsbury-place, Finsbury-square, Middlesex, livery-stable keeper; div.
1835, HEAP John, of Manchester, Lancashire, machine-maker; div.
1835, JRNKINS William Walker, of Birmingham, Warwickshire, brass-founder; div.
1832, LOGAN David, of Quebec, in Canada, merchant, (partner with Thomas Gordon, of the same place, merchant); joint div.
1836, LOOKER John, of Oxford, scrivener; div.
1836, NEWSON John, of the Rising Sun Brewery, Davies-place, Chelsea, Middlesex, brewer; div.
1836, SCOTT Thomas, of No. 45, Watling-street, London, wine-merchant; div.
1834, STEVENS James Southgate, of Duke-street, Grosvenor-square, Middlesex, plumber; div.

Gazette, February 10.

1821, BEESTON James, of Drayton-in-Hales, Salop, mercer; fur. and final div.
1834, CARTER Thomas, of No. 31, Cateaton-street, London, cloth-factor; div.
1835, DANIELL Thomas, formerly of Treliassick, Cornwall, afterwards of Bath, since of Michaelchurch Court, Herefordshire, and now or late residing at Boulogne, in France, copper-smelter; div.
1836, EVERARD James, formerly of Naseby, Northamptonshire, ale and beer seller, but since then of Wellingborough, Northamptonshire, farmer; div.
1831, FIELD William, of Brighton, Sussex, carpenter and builder; final div.
1836, FRANKLAND James, of Liverpool, Lancashire, merchant and broker; div.
1835, HAWKINS Otto Jacob George, of Upper Belgrave-street, St. George, Hanover-square, Middlesex, boarding house keeper; div.
1836, LEE John Gledhill, of Leeds, Yorkshire, carpet and coverlet manufacturer, and dealer in hosiery; first and final div.
1836, MEADEN Robert, of Manchester, Lancashire, innkeeper and victualler; final div.
1827, PANE John, late of Newport, Isle of Wight, Southampton, miller; final div.
1836, THOMPSON William, Henry Leonard, and Richard Brook-holding Dawes, of Aston, near Birmingham, Warwickshire, factors and manufacturers; div.

Date of Fiat.

- 1826, WAKEFORD Joseph, William Wakeford, and Robert Wakeford, of Andover, Southampton, bankers; final div.
 1836, WALDUCK John Haycock, late of Birmingham, Warwickshire, dealer in wines and liquors; div.
 1834, WHITEHOUSE Job, the younger, of Leamington, Warwickshire, coal-dealer; div.

Gazette, February 14.

- 1834, ALLEN William Bryant, of Clapton, Somersetshire, tanner; final div.
 1831, BEVAN Edward, and Michael Yates, of Bristol, merchants; joint and sep. divs.
 1805, CHORLEY John, late of Liverpool, Lancashire, merchant; fur. div.
 1836, COMBES George, of Chichester, common brewer; second and final div.
 1827, COOKE Samuel, of Salford, Lancashire, timber-merchant; fur. div.
 1834, COWELL Gerrard, of Manchester, Lancashire, and John Acton, the younger, of Wigan, Lancashire, cotton-spinners; sep. div. of Gerrard Cowell.
 1836, GRAFTON Martin Charles, of Alcester, Warwickshire, tanner; first and final div.
 1833, HARRIS Solomon, of No. 23, Wardour-street, Soho, Middlesex, timber-merchant; div.
 1836, HAYLMORE John, now or late of Abchurch-lane, London, currier and leather-seller; div.
 1834, IVESON Francis, of Beverley, Yorkshire, d. c.; div.
 1829, MARTIN Thomas, now or late of Croydon, Surrey, linen-draper; div.
 1836, ROBERTS Samuel, of Hastings, Sussex, shoemaker; final div.
 1831, ROSE James Ennis, of Bath, Somersetshire, linen-draper and haberdasher; final div.
 1836, TIDD John Tinker, and John Mallandaine, late of Marlborough-road, Chelsea, Middlesex, candle manufacturers; joint and sep. divs.
 1835, WEATHERLEY Hlderton John, of Newcastle-upon-Tyne, merchant; final div.
 1836, WHYTALL Thomas, of Upper-street, Islington, Middlesex, cabinet-maker and upholsterer; div.
 1835, WRIGHT William, of Rougham, Norfolk, horse-dealer; fin. div.

Gazette, February 17.

- 1805, ABERDEIN Alexander, late of Calcutta, East India, but now of Lisle-street, Leicester-fields, Middlesex, merchant, (partner with Gavin Hamilton, now or late of Calcutta, trading under the firm of Hamilton & Aberdeen); final div.
 1836, FLAHERTY Thomas, of Bath, Somersetshire, tailor and draper; div.
 1836, FOSTER William, of Hollinwood, within Oldham, Lancashire, manufacturer; first and final div.
 1836, KIRCHNER John, of Brighton, Sussex, music-seller, stationer, and dealer in fancy goods, (copartner in trade with William Weston Wheeler, of Brighton aforesaid); fur. and final div.
 1836, M'ENTIRE Robert James, of Belfast, in Antrim, Ireland, merchant; div.
 1827, PAUL John, late of Newport, Isle of Wight, Southampton, miller; final div.
 1836, SPEDEN John, late of North Shields, Northumberland, spirit-dealer; final div.
 1819, SUTTON George, of Lamb's Conduit-street, Middlesex, silk-mercer; div.
 1836, TOWNSHEND William, and William Brown, of Cheapside, London, warehousemen; sep. divs. of each.
 1834, VOGEL Abraham Levy, of No. 39, Finsbury-circus, London, merchant, (carrying on business under the name and firm of A. L. Vogel & Co.); final div.

Gazette, February 24.

- 1835, BENDER Riches Benjamin, of South-street, Grosvenor-square, Middlesex, wine-merchant and tailor; final div.
 1836, BENSLEY Benjamin, of Andover, Southampton, printer; div.

Date of Fiat.

- 1836, DONKIN Robert, of Newcastle-on-Tyne, stationer, bookseller, and quill dresser; first and final div.
 1836, FEA Charles, now or late of Canterbury, Kent, woolstapler; div.
 1836, FORRESTER Thomas Harvey, of the Baltic Coffee-house, Threadneedle-street, London, Russia-broker; div.
 1836, GRINSTED Richard Haines, late of Queen-street, Oxford, grocer; div.
 1836, HARDING Edward, of Melksham, Wiltshire, victualler; div.
 1836, HOMAN Benjamin, of St. Leonard's, Hastings, Sussex, builder; div.
 1833, HORTON George, of Birmingham, Warwickshire, builder; second and final div.
 1834, KLINGENDER Frederick Charles Lewis, of No. 1, Silvester-row, Hackney, Middlesex, schoolmaster and lodging-house keeper; final div.
 1830, MACDONALD Angus, and Archibald Campbell, both of Regent-street, St. James's, Westminster, army agents and bankers; final div.
 1836, MARSHALL James, of Coventry, ribbon-manufacturer; div.
 1836, MOTTERSHED John, of Liverpool, Lancashire, shipwright; fur. div.
 1836, SMITH James, late of No. 31, James-street, Covent-garden, but now of Portman-market, Middlesex, potato-salesman; div.

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- 1836, BAKER Christopher, of St. John-street, distiller; div.
 1836, COCKETT Elizabeth, of Blackheath-road, near Greenwich, Kent, grocer and cheesemonger; div.
 1833, JONES John, of Tywyn, in Dywellig, Carnarvonshire, and Griffith Jones, of Llandegwning, said county, cattle-dealers; second and final div.
 1835, LEE Richard, Richard John Brassey, Fuller Farr, and George Lee, of Lombard-street, London, bankers; sep. divs. of Farr and G. Lee.
 1832, MABERLY John, of Bread-street, Cheapside, London, and also of John-street, Berkeley-square, Middlesex, banker, (trading under the firm of John Maberly & Co.); fur. div.
 1835, M'ENTIRE Robert James, of Belfast, in Antrim, Ireland, merchant; div.
 1834, SHAW Robert, of St. Margaret's, Lynn Regis, Norfolk, corn-merchant; final div.
 1816, STEVENS John, of Abchurch-lane, London, merchant; div.

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- 1835, BASTIAN James, late of Quay-street, Truro, Cornwall, merchant; final div.
 1836, BRISSENDEN Benjamin, of the Clarence Tavern, Tonbridge Wells, Kent, innkeeper; div.
 1836, BROOKS William, of No. 47, Matton-garden, Middlesex, jeweller; div.
 1836, BRUORTON William, the younger, of Gloucester, auctioneer, appraiser and broker; div.
 1836, CLARK John, of Crookes, in Sheffield, Yorkshire, builder; div.
 1836, HARRIS Horatio Nelson, of Uxbridge, Middlesex, oilman; div.
 1836, HOLCROFT Thomas, Thomas Challinor, George Holcroft, and Peter Farnworth, all of Salford, Lancashire, millwrights and engineers, (trading under the firm of Holcroft, Challinor & Co.); div.
 1836, LASHMAR John, of Brighthelmston, Sussex, merchant; div.
 1836, MORRIS Josiah, of Brighton, Sussex, silk-mercer; div.
 1834, SHARPLES Thomas, of Liverpool, Lancashire, ironmonger and cutler; fur. and final div.
 1836, SHORTHORSE William, of Leamington Priory, Warwickshire, jeweller; div.
 1836, SKERRITT Horatio, of Manchester, Lancashire, cabinet-maker; div.
 1835, SLATER Samuel Standidge, of Kingston-on-Hull, corn-merchant; fur. div.
 1836, WELLS Thomas, of Mincing-lane, London, sugar-broker and wine-merchant; div.
 1836, YORK John, of Thorne, Yorkshire, tanner; div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF MARCH, 1837.

BANKRUPTS.

London Gazette, Friday, March 3, 1837.

TOWN AND COUNTRY FIATS.

ABSOLON John, late of No. 12, Old Bond-street, Piccadilly, in the county of Middlesex, but now of Jermyn-street, St. James's, in the said county, tailor and draper, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sol. Bevan, Old Jewry. Fiat, Feb. 28.

ALDRED John, of Manchester, in the county of Lancaster, baker and flour dealer, common brewer, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, Feb. 28.

BEDFORD George, of Keppel-street, Chelsea, in the county of Middlesex, grocer, and also carrying on business as a grocer at East-street, Leader-street, in Chelsea aforesaid.—Official assignee, Belcher, King's Arms-yard.—Sol. Lott, Bow-lane. Fiat, Feb. 17.

BROTHERTON William, of Liverpool-street, in the city of London, saddler and harness-maker.—Official assignee, G. Green, Aldermanbury.—Sols. Clarke & Tanqueray, Bishopgate-churchyard. Fiat, March 3.

EVANS John, Edmund Coupe, John Brown, Arthur Southward, Christopher Hardy, Francis Donneley, John Linney, David Stott, Robert Berry, and James Robinson, of Hulme, in the parish of Manchester, in the county of Lancaster, dyers, *d. c.* and copartners, (carrying on business under the firm of Evans, Coupe, & Co.)—Sols. Johnson & Co. Temple, and Hitchcock, Manchester. Fiat, Feb. 14.

BALLETT John, of Orange-street, Bloomsbury, in the county of Middlesex, hatter and glover, *d. c.*—Official assignee, Lackington, Basinghall-street.—Sol. Parker, St. Paul's-churchyard. Fiat, March 2.

HALLIN Catherine Alexandrina, of Sussex Villa, and No. 15, Park-road, Regent's-park, in the county of Middlesex, schoolmistress and lodging-house keeper, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sol. Smith, Chancery-lane. Fiat, Feb. 25.

HOUSMAN John, of Halton, near Leeds, in the county of York, indigo extract manufacturer, *d. c.*—Sols. Makinson & Sanders, Temple, and Foden, Leeds. Fiat, Feb. 4.

HUTSON Francis, of Newgate-street, in the city of London, woolen-draper, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Van Sandau, Old Jewry. Fiat, Feb. 27.

MARTIN George, of the parish of Burnham, in the county of Bucks, shopkeeper.—Official assignee, Abbott, King's Arms-yard.—Sols. Smith & Dry, Serle-street. Fiat, Feb. 25.

MERCER James, of Birkenhead, in the county of Chester, brewer, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Hilliar, Liverpool and Woodside. Fiat, Feb. 18.

MORGAN Stephen, of Birmingham, in the county of Warwick, and also of Dame-street, in the city of Dublin, and of the city of Limerick, in that part of the United Kingdom of Great Britain and Ireland called Ireland, toy-merchant and shopkeeper, *d. c.*—Sols. Holme & Loftus, New Inn, and Bartleet, Birmingham. Fiat, Feb. 3.

ASSEY Edward, the younger, of the parish of St. Michael, in Bedwardine, in the borough of Worcester, dealer in china, glass, and earthenware, *d. c.*—Sols. White & Whitmore, Bedford-row, and Corbett, Worcester. Fiat, Feb. 24.

ICKERING Joseph, of the town of Bedford, in the county of Bedford, upholsterer, *d. c.*—Sols. Cardales & Iliffe, Bedford-row, and Iliffe & Garrard, Olney. Fiat, Feb. 23.

d. c. dealer and chapman.

POCOCK George, of No. 37, Booth-street, in the parish of Christ Church, Spitalfields, in the county of Middlesex, manufacturing chemist.—Official assignee, G. Gibson, Basinghall-street.—Sol. Howard, Norton-street, Portland-road. Fiat, Feb. 27.

POPPELWELL Joseph, of Silkstone, in the county of York, butcher, potato merchant, *d. c.*—Sols. Shepherd, Barnsley, and Perkins & Frampton, Gray's Inn-square. Fiat, Feb. 18.

RICHARDS Seth, of the township of Chepstow, in the county of Monmouth, miller and baker, *d. c.*—Sols. Walker, Chepstow, and Clowes & Wedlake, Temple. Fiat, Feb. 9.

UNSWORTH William, of Derby, in the county of Derby, silk-lace manufacturer, *d. c.*—Sols. Capes, Gray's Inn, and Williamson, Derby. Fiat, Feb. 21.

WOODHEAD William, Richard Woodhead, and John Woodhead, of Bridge Mill, in the parish of Almondbury, in the county of York, scribbling millers, *d. c.* and copartners, (trading under the firm of William Woodhead & Sons).—Sols. Stephensons, Holmfirth, and Batty & Co. Chancery-lane. Fiat, Feb. 22.

Gazette, Tuesday, March 7.

BANKRUPTCY ENLARGED.

ROBERTS William, of Churwell, Batley, merchant.

TOWN AND COUNTRY FIATS.

BARLOW Sarah, and Robert Salmon Mulley, of Little Bartholomew-close, West Smithfield, in the city of London, stone-masons and builders, *d. c.* and copartners.—Official assignee, Pennell, Basinghall-street.—Sols. Watson & Sons, Bouverie-street. Fiat, Feb. 27.

BAYLISS Thomas, of No. 282, Strand, in the county of Middlesex, smith and ironmonger, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sols. Robinson & Co. Charterhouse-square. Fiat, March 4.

BISHOP Thomas, of Ashton-under-Lyne, in the county of Lancaster, builder, bricksetter, *d. c.*—Sols. Rickards & Walker, Lincoln's Inn-fields, and Higginbottom & Buckley, Ashton-under-Lyne. Fiat, Feb. 18.

BRADLEY Edmund Bick, of Nine Elms, in the county of Surrey, maltster, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Parnter & Fisher, London-street, Fenchurch-street. Fiat, March 4.

BREEDS Thomas James, and Charles Burfield, the elder, of Fennings Wharf, Tooley-street, in the borough of Southwark, in the county of Surrey, and also of Hastings, in the county of Sussex, merchants and ship-agents, *d. c.* and partners in trade, (carrying on business in London, under the firm of Breeds & Burfield, and at Hastings, under the firm of James Breeds & Co.)—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Hindmarsh & Son, Jewin-crescent. Fiat, Feb. 27.

BROOKE Thomas, of Wolverhampton, in the county of Stafford, tanner.—Sols. White & Whitmore, Bedford-row, and Wood, Wolverhampton. Fiat, Feb. 10.

COLE Thomas, and William Mountcastle, of Manchester, in the county of Lancaster, silk-manufacturers, *d. c.* and copartners, (carrying on business there under the firm of Thomas Cole & Co.)—Sols. Crowder & Co. Mansion-house-place, and Bagshaw & Stevenson, Manchester. Fiat, Feb. 23.

FOX John, of the town of Bromyard, in the county of Hereford, saddler, collar and harness maker, *d. c.*—Sols. Hastings, Harpur-street, Red Lion-square, and Devereux, Bromyard. Fiat, March 1.

GIBSON Joshua, and Joseph McGlasson, of Liverpool, in the county of Lancaster, silk-mercens and linen-draper, *d. c.* and copartners, (trading in Liverpool under the firm of Gibson & Glasson).—Sols. Blackstock & Co. Temple, and Littledale & Bardwell, Liverpool. Fiat, Feb. 9.

GREEN James, of the city of Exeter, civil engineer, *d. c.*—Sols. Gidley & Kingdon, Exeter, and Burfoots, Temple. Fiat, Feb. 28.

HALLORAN George Stewart, of the borough of Belfast, in the county of Antrim, in Ireland, merchant.—Sols. Taylor & Co. Bedford-row, and Lowndes & Robinson, Liverpool. Fiat, Feb. 24.

HAWORTH John, and Samuel Davis, both of Manchester, in the county of Lancaster, ironmongers and copartners, *d. c.*—Sols. Thompson, Liverpool, and Norris & Co. Bartlett's-buildings, Holborn. Fiat, Feb. 23.

JACKSON Joseph, of Liverpool, in the county of Lancaster, brewer, *d. c.*—Sols. Forshaw, Liverpool, and Baxendale & Co. Great Winchester-street. Fiat, Feb. 27.

OGDEN John, of Oldham, in the county of Lancaster, hat-manufacturer, *d. c.* (trading under the firm of John Ogden & Co.)—Sols. Johnson & Co. Temple, and Seddon & Mawson, Manchester. Fiat, March 3.

PARKER William Rush, of Downend, in the parish of Mangotsfield, in the county of Gloucester, scrivener.—Sol. Westmacott, Gray's Inn. Fiat, Feb. 25.

PATTERSON Andrew, of Greenwich, in the county of Kent, music and musical instrument vender, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. King, Tokenhouse-yard. Fiat, March 2.

RUDGE James, of the Corn Exchange, Mark-lane, in the city of London, and of Harder's-road, Peckham, in the county of Surrey, merchant, corn and malt dealer, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Thomas, Fen-court, Fenchurch-street. Fiat, March 6.

SYMONDS Samuel, of Basinghall-street, in the city of London, Blackwell Hall factor, warehouseman, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Bowden & Co. Aldermanbury. Fiat, Feb. 27.

WOOD Joseph, of Manchester, in the county of Lancaster, merchant, *d. c.*—Sols. Cooper, Manchester, and Adlington & Co. Bedford-row. Fiat, Feb. 18.

Gazette, Friday, March 10.

BANKRUPTCY ENLARGED.

CHANDLER Thomas, of Wood-street, Cheapside, and City-terrace, City-road, warehouseman.

BANKRUPTCY SUPERSEDED.

LUSH George, of Bristol and Bath, provision merchant and carrier.

TOWN AND COUNTRY FIATS.

ALLWRIGHT Edward, of No. 34, Little Newport-street, Newport-market, in the county of Middlesex, cheesemonger, poulterer, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Hastings & Sheringham, Harpur-street, Red Lion-square. Fiat, March 7.

AUSTIN John, of St. Mary Magdalen, near Hastings, in the county of Sussex, builder.—Official assignee, Belcher, King's Arms-yard.—Sols. Meymott & Son, Great Surrey-street. Fiat, March 7.

BROWN James, and Hugh Graham, of Manchester, in the county of Lancaster, fustian manufacturers, warehousemen, *d. c.* and copartners.—Sols. Kay & Co. Manchester. Fiat, March 6.

DRY Abraham Harrison, of St. Martin's-lane, near Charing-cross, in the county of Middlesex, pawnbroker, silversmith, and dealer.—Official assignee, J. Clark, Basinghall-street.—Sols. Collier & Co. Carey-street. Fiat, March 8.

EDWARDS John, the younger, of Brighton, in the county of Sussex, grocer, *d. c.*—Sols. Cornford, Brighton, and Hore, Serle-street. Fiat, March 2.

EMERY Francis, of the Furnace, in the parish of Stone, in the county of Stafford, coal-master, *d. c.* (and late a manufacturer of china), and Stephen Elias Ravenscroft, of Lane End, in the parish of Stoke-upon-Trent, and county of Stafford, manufacturer of china, *d. c.*—Sol. Young, Lane End. Fiat, Feb. 21.

HASTLER Edward Jackson, of King William-street, in the city of London, mercer, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Soles, Aldermanbury. Fiat, March 7.

HEBERT James Lloyd, of Shepton Mallett, in the county of Somerset, innkeeper, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Isaacson, Norfolk-street. Fiat, March 8.

LAW George, of Polly-green, in the parish of Rochdale, in the county of Lancaster, woollen-manufacturer, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Heaton, Rochdale. Fiat, March 4.

RIMMEL Hyacinthe Mars, Louis Jean Baptiste Vandeau, and Pierre Joseph Gabriel Augustin Bessan, of No. 210, Regent-street, in the county of Middlesex, and of No. 39, Gerrard-street, Soho, in the said county of Middlesex, perfumers, *d. c.* and late copartners.—Official assignee, W. Whitmore, Basinghall-street.—Sols. Hodgson & Burton, Salisbury-street. Fiat, March 8.

ROSTRON James, late of the city of New York, in the United States of America, merchant, but now of Edenfield, in the county of Lancaster, in England, (late carrying on business in copartnership with Lawrence Rostron, of Salford, in the said county, and John Rostron, of Edenfield aforesaid, as manufacturers, merchants, *d. c.* at Manchester, in the county of Lancaster, and Edenfield aforesaid, under the firm of Rostron, Brothers).—Sols. Denison & Co. Manchester, and Walsely & Co. Chancery-lane. Fiat, March 3.

STEAD John, of Dawgreen, Dewsbury, in the county of York, blanket manufacturer, *d. c.*—Sols. Jaques & Co. Ely-place, and Oldroyd & Rylah, Dewsbury. Fiat, Feb. 23.

STUBBS Joseph, of Birmingham, in the county of Warwick, whip manufacturer.—Sols. Austen & Hobson, Raymond-buildings, Gray's Inn, and Bower, Birmingham. Fiat, March 6.

WRIGHT William, of the New Brunswick Coffee-house, Brunswick Dock, Harrington, in Liverpool, in the county of Lancaster, tavern keeper, victualler, *d. c.*—Sols. Bretherton, Liverpool, and Armstrong, Staple Inn. Fiat, March 8.

Gazette, Tuesday, March 14.

BANKRUPTCY SUPERSEDED.

NEWTON James, of Leicester-square, silk-mercier and linen-draper.

TOWN AND COUNTRY FIATS.

BETRIDGE Joseph, of Birmingham, in the county of Warwick, silversmith.—Sols. Austen & Hobson, Raymond-buildings, and Palmer & Son, Birmingham. Fiat, March 3.

DOWSE Charles, of Peterborough, in the county of Northampton, innkeeper, *d. c.*—Sols. Broughton, Peterborough, and Tilsons & Co. Coleman-street. Fiat, Feb. 27.

ENGLAND Louis, of Shepperton-street, New North-road, in the county of Middlesex, builder.—Official assignee, E. Edwards, Pancras-lane.—Sol. Boulton, Northampton-square. Fiat, March 11.

GARNER Joseph, of Dunchurch, in the county of Warwick, innkeeper and coach-proprietor, *d. c.*—Sols. Cox, Lincoln's Inn-fields, and Wilmot, Coventry. Fiat, March 9.

HAMILTON John, of Liverpool, in the county of Lancaster, merchant, *d. c.* (late carrying on business also at Quebec, and at Montreal, both in the province of Lower Canada, in partnership with James Nairne, under the firm of James Nairne & Co.)—Sols. Taylor & Co. Bedford-row, and Carson, Liverpool. Fiat, March 8.

HEADLEY John, of Leicester, in the county of Leicester, baker, *d. c.*—Sols. Dihen, Leicester, and Dyneley & Co. Gray's Inn-square. Fiat, March 8.

HICKS Charles, and William Hicks, of Christchurch, in the county of Southampton, mealmen and copartners, *d. c.*—Sols. Thomson, Rolls Chambers, Chancery-lane, and Brown, Lyngington. Fiat, March 8.

KING Joseph, of Liverpool-street, in the city of London, plumber, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Maltby, Old Broad-street. Fiat, March 3.

MARSHALL Charles, of the borough of Kingston-upon-Hull, victualler, spirit-merchant, *d. c.*—Sols. Wilkinson, Hull, and Meredith & Reeve, Lincoln's Inn. Fiat, March 7.

MEREFIELD Charles, of West-street, in the borough of the city of Bristol, grocer, *d. c.*—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, March 4.

MOORE Joseph, of Leeds, in the county of York, flax-spinner and manufacturer of sacking canvas, *d. c.* (trading under the firm or style of Joseph Moore & Co.)—Sols. Roper & Son, Gray's Inn, and Dickinson, Leeds. Fiat, March 6.

PILLING William, of Little Bolton, in the county of Lancaster, common brewer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Lees, Manchester. Fiat, March 8.

RICE James, of Woodbridge and Ipswich, both in the county of Suffolk, saddler and harness maker, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sol. Reilly, Clement's Inn. Fiat, March 13.

ROUTLEDGE Joseph, of the City Hotel, King-street, Cheapside, in the city of London, hotel-keeper, victualler, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Fisher, Walbrook. Fiat, March 11.

SEARS Robert, of Paternoster-row, in the city of London, engraver, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Wood & Ellis, Corbet-court, Gracechurch-street. Fiat, March 13.

SMITHERD Joseph, of Derby, in the county of Derby, tailor and woollen-draper, *d. c.*—Sols. Taylor & Son, John-street, Bedford-row, and Mosley & Flack, Derby. Fiat, March 11.

WOOD William Coates, of Dean-street, Gould's-hill, Lower Shadwell, in the county of Middlesex, ship and anchor smith, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sols. Thompson & Hewitt, Great James-street, Bedford-row. Fiat, March 13.

WOODHAMS John, of the Pitt's Head, Grange-road, Bermondsey, in the county of Surrey, victualler, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sols. Colley & Co. Lincoln's Inn. Fiat, March 8.

Gazette, Friday, March 17.

BANKRUPTCY ENLARGED.

WOODTHORPE Henry, of Avely, Essex, grocer.

BANKRUPTCY SUPERSEDED.

NOTTAGE Thomas, of Green Dragon-yard, Worship-street, coach-master and livery-stable keeper.

TOWN AND COUNTRY FIATS.

BAILEY William Cooke, late of Mildenhall, in the county of Suffolk, cabinet-maker, innkeeper, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sol. Collins, Great Knight Rider-street. Fiat, March 11.

COOMBE William, of the city of Bath, currier, *d. c.*—Sol. Fisher, Guildford-street. Fiat, March 14.

CROPTS Richard, of the city of Coventry, ribbon-manufacturer, *d. c.*—Sol. James, Basinghall-street. Fiat, March 13.

CROMPTON James, of Manchester, in the county of Lancaster, woollen-draper, *d. c.*—Sols. Willis & Co. Tokenhouse-yard, and Petty, Manchester. Fiat, March 11.

CROPPER James, of the town and county of the town of Nottingham, bobbin and carriage maker and machine builder, *d. c.*—Sols. Johnson & Co. Temple, and Cursham & Campbell, Nottingham. Fiat, March 10.

HAMBIDGE William, now or late of Witney, in the county of Oxford, butcher, *d. c.*—Sols. Leake, Witney, and Close, Farnival's Inn. Fiat, Feb. 13.

HILL James, of Seacombe, in the parish of Wallasey, in the county of Chester, brewer, *d. c.*—Sols. Mallaby, Liverpool, and Battye & Co. Chancery-lane. Fiat, March 11.

HOUSMAN William, of the liberty of the Close, in the city of New Sarum, in the county of Wilts, scrivener, *d. c.*—Sol. Bayly, Frome. Fiat, March 2.

JACOB Charles, and Richard Davis Jacob, of George-yard, Lombard-street, in the city of London, merchants, ship-owners, *d. c.* and copartners, (carrying on business under the firm of John Jacob & Sons).—Official assignee, G. Gibson, Basinghall-street.—Sols. Swain & Co. Frederick's-place. Fiat, March 14.

JOHNSTONE Joseph, of Lyncombe and Widcombe, near the city of Bath, in the county of Somerset, draper, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, March 11.

KNOWLES Robert, of Trump-street, in the city of London, warehouseman, *d. c.*—Official assignee, G. Lackington, Basinghall-street.—Sol. Flower, Bread-street. Fiat, March 14.

NEWY Richard, of Birmingham, in the county of Warwick, victualler, coal-dealer, cabinet-case maker, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Richards & Motteram, and Creswell, Birmingham. Fiat, March 11.

OSMAN Thomas, now or late of Burford, in the county of Oxford, mercer and draper, *d. c.*—Sols. King & Son, Serjeant's Inn, and Price, Burford. Fiat, March 3.

PARR Edmund, of the city of Gloucester, mercer and draper, *d. c.*—Sols. Shirrell, Lincoln's Inn-fields, and Packwood & Lees, Cheltenham. Fiat, March 2.

PHILLIPS Henry, late of Birmingham, in the county of Warwick, fruiterer, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Richards & Motteram, Birmingham. Fiat, March 3.

PRESTON Thomas, of Cateaton-street, in the city of London, warehouseman, *d. c.*—Official assignee, T. M. Alsager, Birchinn-lane.—Sol. Gore, Bucklersbury. Fiat, March 7.

SHIPHAM John, of the town of Nottingham, grocer, *d. c.*—Sols. Daft, Nottingham, and Taylor, Featherstone-buildings. Fiat, March 4.

WARDEN Waples, of Birmingham, in the county of Warwick, boot and shoe maker.—Sols. Austen & Hobson, Gray's Inn, and Bower, Birmingham. Fiat, March 13.

WHITFIELD Alfred, of Crosby Hall Chambers, Bishopsgate-street, in the city of London, Manchester warehouseman, *d. c.*—Sols. Hampson, Manchester, and Adlington & Co. Bedford-row. Fiat, Feb. 23.

WYLIE John, lately carrying on business in Newcastle-under-Lyme, in the county of Stafford, as a wine and spirit merchant and maltster, *d. c.*—Sols. Harding, Newcastle-under-Lyme, and Wilson, Symond's Inn. Fiat, March 9.

Gazette, Tuesday, March 21.

BANKRUPTCIES ENLARGED.

BINGHAM Nathaniel, of Old Bond-street, surgeon.

WEST Joseph, of High-street, Shoreditch, grocer.

TOWN AND COUNTRY FIATS.

BROOKS James, of the city of Norwich, leather-merchant, *d. c.*—Sols. Beckwith & Co. Norwich, and Clarke & Medcalf, Lincoln's Inn-fields. Fiat, March 10.

BUCKLAND William, of Hillingdon, in the county of Middlesex, corn-dealer, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Swan, Staple Inn. Fiat, March 13.

GALE William, of Brighton, in the county of Sussex, victualler, stable-keeper, *d. c.*—Sols. Faithfulls, Brighton, and E. C. Faithfull, King's-road, Bedford-row. Fiat, March 6.

GEORGES William Payne, of the borough of Devonport, in the county of Devon, wine-merchant, *d. c.*—Sols. Smiths, Devonport, and Keddell & Baker, Fenchurch-street. Fiat, March 6.

GOODWIN George, of the town of the borough of Kingston-upon-Hull, merchant, *d. c.*—Sol. Rosser & Sons, Gray's Inn, and England & Shackles, Hull. Fiat, Feb. 28.

GOTER Henry John, of New Bond-street, in the parish of St. George, Hanover-square, in the county of Middlesex, fishmonger, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Duncombe, Clement's Inn. Fiat, March 17.

GOUGH William, of Wem, in the county of Salop, tanner, *d. c.*—Sols. Watson, Shrewsbury, and Blackstock & Co. Temple. Fiat, March 11.

GREEN Joseph, late of Northfield, in the county of Worcester, retail brewer, but now of Smithfield, in the parish of St. Martin, in the borough of Birmingham, shopkeeper.—Sols. Sculthorpe, Gray's Inn, and Weston, Birmingham. Fiat, March 17.

HALLILAY Henry, of Wakefield, in the county of York, dyer, (and who lately carried on business at Wakefield aforesaid, in partnership with Jonathan Barthrop, since deceased, trading under the style or firm of Jonathan Barthrop & Son).—Sols. Adlington & Co. Bedford-row, and Taylor, Wakefield. Fiat, Feb. 25.

HARVEY George, of Springfield, in the county of Essex, carpenter and builder.—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Bigg, Southampton-buildings, Chancery-lane, and Copland & Sons, Chelmsford. Fiat, March 9.

JACKSON Thomas, of Liverpool, in the county of Lancaster, hemp, flax, and linen merchant, *d. c.*—Sols. Adlington & Co. Bedford-row, and Frodsham, Liverpool. Fiat, March 15.

JENNINGS William Collins, of the borough of the city of Bristol, corn-factor and commission-agent, *d. c.*—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, March 16.

JOEL Joel Coleman, of No. 2, Bishopsgate-churchyard, in the city of London, upholsterer, cabinet-maker, house-agent, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sol. Sydney, New London-street. Fiat, March 18.

KIDD James, of the borough of Stockport, in the county of Chester, iron-roller maker, licensed victualler, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, March 11.

LYON Abraham, of Birmingham, in the county of Warwick, gilt-toy maker, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, March 13.

MERRIMAN Ann Hughes, of Leadenhall-street, in the city of London, and of Piccadilly, in the county of Middlesex, trunk and packing-case maker.—Official assignee, G. J. Graham, Basinghall-street.—Sols. Cranch & Son, New London-street. Fiat, March 17.

OPENSHAW Richard Walker, of Prestwich, in the parish of Prestwich-cum-Oldham, in the county of Lancaster, common brewer, victualler, *d. c.*—Sols. Milne & Co. Temple, and Casson, Manchester. Fiat, March 1.

PADDON Francis William, of the borough of Plymouth, in the county of Devon, common carrier, commission-agent, consignee, *d. c.*—Sols. Keddell & Baker, Fenchurch-street, and Smith, Devonport. Fiat, March 15.

WALL Thomas Edward, late of Dudbridge Wharf, in the parish of Stonehouse, in the county of Gloucester, coal-dealer, but now of Stroud, in the county aforesaid, coal-dealer and spirit-merchant.—Sols. King & Son, Serjeant's Inn, and Aldridge, Stroud. Fiat, March 13.

WEST Thomas, of Keal Cotes, in the county of Lincoln, draper and grocer, *d. c.*—Sols. Burton, Lincoln, and Taylor & Son, John-street, Bedford-row. Fiat, March 6.

Gazette, Friday, March 24.

BANKRUPTCY SUPERSEDED.

GREEN Joseph, of Liverpool, grocer and provision dealer.

TOWN AND COUNTRY FIATS.

BIGGS Louisa, of Goodrich, in the county of Hereford, shopkeeper, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Smigh, Bristol. Fiat, March 18.

BREARLEY John, John Samuel Wood, and Joseph Wood, of Wellfield Mills, near Rochdale, in the county of Lancaster, corn-millers.—Sols. Adlington & Co. Bedford-row, and Taylor, Wakefield. Fiat, March 9.

CATLIFF William, of Wisbeach, in the county of Cambridge, draper, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sols. Ashurst & Gainsford, Cheapside. Fiat, March 21.

EVANS John, of the borough of Kidderminster, in the county of Worcester, cordwainer, *d. c.*—Sols. G. Smith, Chancery-lane, and Hill & Daniel, Worcester. Fiat, March 8.

EVANS William Fribourg, of No. 69, Millbank-street, Westminster, in the county of Middlesex, coal-merchant.—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Miller, Sussex Chambers, Duke-street, St. James's. Fiat, March 20.

HOLMES Samuel, of Derby, in the county of Derby, silk and silk waste dealer, *d. c.*—Sols. Capes, Raymond-buildings, and Williamson, Derby. Fiat, March 6.

LEA Abraham Nicholls, of Birmingham, in the county of Warwick, builder, *d. c.*—Sols. Tooke & Son, Bedford-row, and Melt & Sons, Birmingham. Fiat, March 20.

LEWIS Thomas, of Glanginwidd, in the parish of Llangerrig, in the county of Montgomery, cheese-factor, butter-dealer, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Wace, Shrewsbury. Fiat, March 9.

MA TEER David, of Manchester, in the county of Lancaster, also carrying on business in Belfast, in Ireland, and also carrying on business in Liverpool, in the said county, in copartnership with Hugh Henry Boyd, under the firm of David Ma Teer & Co., merchant, *d. c.*—Sols. Avison & Son, Liverpool, and Adlington & Co. Bedford-row. Fiat, March 18.

MERRINGTON Edmund Salmons, late of Downham Market, in the county of Norfolk, flour-seller, *d. c.* (and now or lately a prisoner confined for debt in His Majesty's gaol of the Castle of Norwich.)—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Beckwith & Co. Norwich. Fiat, March 20.

ROSTILL William, of Birmingham, in the county of Warwick, tortoise and turtle shell, ivory box case and caddy maker, *d. c.*—Sols. Harrison, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, March 20.

SOPLY Isaac, and Isaac Solly, the younger, of St. Mary Axe, in the city of London, merchants, *d. c.* and copartners.—Official assignee, Pennell, Basinghall-street.—Sols. Gatty & Garth, Angel-court. Fiat, March 20.

STIRLING John, of Conduit-street, Bond-street, in the county of Middlesex, silk-mercier, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Turner & Hensman, Basing-lane. Fiat, March 1.

SUMNER Joseph, of Edgbaston, in the borough of Birmingham, in the county of Warwick, carpenter, *d. c.*—Sols. Taylor & Co. Bedford-row, and Ryland, Birmingham. Fiat, March 13.

TARLETON Richard, of Liverpool, in the county of Lancaster, spirit-merchant and hatter, *d. c.*—Sols. Norris & Co. Bartlett-buildings, and Toulmin, Liverpool. Fiat, March 14.

WARD Jonathan, of Greta-bridge, in the county of York, innkeeper, *d. c.*—Sols. Tilsons & Co. Coleman-street, and Allison, Richmond, Yorkshire. Fiat, Feb. 27.

WILLIAMS John, and Robert Williams, of No. 134, Holbourn-street, in the city of London, copper-smiths.—Official assignee, Johans, Basinghall-street.—Sols. Hillierys, Lime-street. Fiat, March 12.

Gazette, Tuesday, March 28.

BANKRUPTCY SUPERSEDED.

DIXON George, of Manchester, woollen-manufacturer.

TOWN AND COUNTRY FIATS.

EDWARDS William Evan, of Cradley, near Stourbridge, in the county of Worcester, nail and anvil maker, *d. c.*—Sols. Clowes & Wedlake, Temple, and Collis, Stourbridge. Fiat, March 21.

HARRIS Daniel, late of Birmingham, in the county of Warwick, fruit-dealer, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Richards & Motteram, Birmingham. Fiat, March 3.

HOUGH George, of Heaton Norris, in the county of Lancaster, and John Hough, of Stockport, in the county of Chester, silk-spinners, *d. c.* and copartners, (and now carrying on business at Heaton Norris aforesaid).—Sols. Back, Verulam-buildings, and Winterbottom & Wright, Heaton Norris. Fiat, March 16.

JONES Charles Tyrwhitt, of Pitt's Head-mews, Park-lane, in the county of Middlesex, horse-dealer, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Lumley, Quality-court, Chancery-lane. Fiat, March 23.

KENDALL Abraham, of Hunslet, in the parish of Leeds in the county of York, cloth-dresser, *d. c.*—Sols. Dunning & Lupton, Leeds, and Smithson & Dunn, Southampton-buildings. Fiat, March 3.

NEILD John Hope, of Morley Bank, near Altringham, in the county of Chester, brewer, *d. c.*—Sols. Taylor & Co. Bedford-row, and Holland, Northwich. Fiat, March 17.

RICHARDSON George, of the Quadrant, Regent-street, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sols. Turner & Hensman, Basing-lane. Fiat, March 25.

RAYBOULD Benjamin, of Sedgley, in the county of Stafford, victualler, huckster, *d. c.*—Sols. Gough, East-street, Red Lion-square, and Fellowes, Dudley. Fiat, March 23.

SALISBURY Edward, late of Blackburn, in the county of Lancaster, sizer of cotton-twist, (but now a prisoner for debt in His Majesty's gaol the Castle of Lancaster), *d. c.*—Sols. Makinson & Sandels, Temple, and J. Makinson, Blackburn. Fiat, March 23.

SHUKER Joseph, of the Wyle Cop, in the township of Shrewsbury, in the county of Salop, grocer, *d. c.*—Sols. Watson, Shrewsbury, and Blackstock & Co. Temple. Fiat, March 21.

TOMLINSON William, of Ashborne, in the county of Derby, maltster, *d. c.*—Sols. Fox, Ashborne, and Abbott & Arney, Charlotte-street, Bedford-square. Fiat, March 20.

WRIGLEY James, of Wrigley Mill, within Saddleworth, in the county of York, merchant, woollen-manufacturer, *d. c.*—Sols. Whitehead & Barlow, Oldham, and Milne & Co. Temple. Fiat, March 2.

Gazette, Friday, March 31.

BANKRUPTCY ENLARGED.

SWAN Hugh, jun., of Little Hampton, Sussex, grocer and draper.

TOWN AND COUNTRY FIATS.

BEARD John, of the city of Gloucester, coal and timber merchant, and general dealer, *d. c.*—Sols. Weedon & Addison, Gloucester, and Bousfield, Guildhall-buildings. Fiat, March 25.

BURBIDGE George, of King William-street, in the city of London, fancy stationer, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Turner & Hensman, Basing-lane. Fiat, Feb. 25.

CHAPMAN Thomas, James Brown, and John Thomas Brown, of Birmingham, in the county of Warwick, coach-masters, carriers, *d. c.* and copartners.—Sols. Norton & Chaplin, Gray's Inn-square, and Richards & Motteram, Birmingham. Fiat, March 14.

COLWELL William, of Bromsash, in the parish of Weston-under-Penyard, in the county of Hereford, timber-merchant, *d. c.*—Sols. Weedon & Addison, Gloucester, and Bousfield, Guildhall-buildings. Fiat, March 6.

PLITCHCROFT Litchford, of Manchester, in the county of Lancaster, publican, *d. c.*—Sols. Hadfield & Grave, Manchester, and Johnson & Co. Temple. Fiat, March 23.

HILL Leonard, of Fleet-street, in the city of London, shopkeeper, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Adlington & Co. Bedford-row. Fiat, March 18.

HORROCKS George, and William Martin, both of Salford, in the county of Lancaster, finishers, machine-makers, *d. c.* and copartners, (trading under the firm of George Horrocks & Co.)—Sols. Makinson & Sanders, Temple, and Atkinson & Co. Manchester. Fiat, March 21.

JAMES Philip, of Tewkesbury, in the county of Gloucester, and of Birmingham, in the county of Warwick, coal-merchants, *d. c.*—Sols. Bousfield, Guildhall-buildings, and Winterbotham & Thomas, Tewkesbury. Fiat, March 14.

KERR Mouncey, of Haslingden, in the county of Lancaster, draper, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Whitehead & Robinson, Huddersfield. Fiat, March 25.

RAYSON Thomas, of the Dolphin Inn, Romford, Essex, innkeeper, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Child, St. Swithin's-lane. Fiat, March 29.

REYNOLDS Henry, of Liverpool, in the county of Lancaster, druggist, *d. c.*—Sols. Blackstock & Co. Temple, and Deane & Irlam, Liverpool. Fiat, March 1.

TABBERNER Ann, of Longmore Farm, in the parish of Solihull, in the county of Warwick, huckster, farmer, and chapwoman.—Sols. Norton & Chaplin, Gray's Inn-square, and Richards & Motteram, Birmingham. Fiat, March 27.

CERTIFICATES TO BE ALLOWED:

March 24.—Gazette, March 3.

Blain Henry, of Lime-street, merchant.
Doubleday Hippolyte Jarvis, of the Minories, oilman.
Hindley William, of Gray's Inn-lane, cheesemonger.
Jones Rees, of Pontvane, Carmarthenshire, farmer, drover, and cattle dealer, (and of the firm of David Jones, Thomas Thomas, and Rees Jones, of Carmarthen, timber-merchants).
Platt John, of Manchester, publican.
Thatcher Thomas, of Fleet-street, florist.
West Henry John, of Bath, music-seller.

March 28.—Gazette, March 7.

Anderson John, of Winchester House, Old Broad-street, merchant.
Buchanan John Warren, of Liverpool, stove-merchant and cooper.
Cole Robert, of Basinghall-street, scrivener and picture-dealer.
Hall Clay, of Salford, malt-dealer and flax-spinner.
Jones Henry, of High-street, Islington, furnishing undertaker, (partner with William Thomas Halton).
Laing John, of Great Tower-street, cork-cutter.
Newton Henry, of Regent-street, silk-mercer.
Prockter James Simpson, of Blue Anchor-road, Bermondsey, glue manufacturer and tallow melter.

Smith John, of Chesterfield, innkeeper.
Stevens Henry, and Thomas Stevens, of Newington-causeway, drapers.
Suggett George, of Barbican, merchant.

March 31.—Gazette, March 10.

Cooper William, of Kidderminster, carpet-manufacturer.
Flaherty Thomas, of Bath, tailor and draper.
Nicholson Jonathan, of Southampton-court, Holborn, carpet-bag manufacturer.

April 4.—Gazette, March 14.

Harwood James, of Birmingham, share-broker and commission-agent.
Nicoll James Endersby, and John Warburton, of Liverpool, tailors and drapers.
Perkins George, of Booth Town, Northowram, silk-spinner.
Pons Charles Jean Baptiste, of Old Bond-street, hatter and milliner.
Pook John, of the Colonnade, Haymarket, tavern-keeper, (partner with Giacomo Donia and Thomas Sardy).

April 7.—Gazette, March 17.

Brade Daniel, of Liverpool, merchant, (partner with Thomas Turner and Charles Schwind).
Clarke George, of the Irongate Wharf, Paddington, hay-salesman.
Cox Hannah, and John Cox, the younger, of Blackwall, Durham, paper-manufacturers. (partners with John Cox and William Reed).
Cox Henry, of Goswell-street, soap-manufacturer.
Dunbell Samuel, of Liverpool, saddler.
Fly William, of Herne Bay, builder.
Griffiths Thomas, of Liverpool, joiner.
Haymore John, of Abchurch-lane, currier.
Jackson James, of Liverpool, timber-dealer, (partner with William Williams).
Ramus Alexandre, of Frith-street, Soho, cabinet-maker.
Reading Samuel, and John Reading, of Birmingham, gilt-toy makers.
Thorp Henry, of Herne Bay, miller and baker.
Wells Thomas, of Mincing-lane, sugar-broker and wine-merchant.

April 11.—Gazette, March 21.

Fusell Jonathan, of Old-street, currier.
Gainer Joseph, of Stonehouse, Gloucestershire, ink-manufacturer.
Gainer Samuel, of Kingswood, Wilts, dyer.
Rogers James, of Martley, Worcestershire, tanner.
Rougier Pierre Marie Auguste, of Wood-street, Spitalfields, silk-manufacturer.
Sanderson Charles, of Park-gate Works, near Rotherham, iron and tin plate manufacturer.
Stout James, of Liverpool, boot and shoe maker.
Tullock John, late of Wimborne Minster, but now of Parkstone, Poole, builder.

April 14.—Gazette, March 24.

Cole John James, of Britton-street, Chelsea, ale-brewer.
Greenfield Thomas, of Chiswick, victualler.
Mora George, of Basinghall-street, wholesale woollen-draper and Blackwell-hall factor.
Stodart John Beaumont, of Carlisle and Manchester, manufacturer and merchant, (partner with Francis Stodart and Francis Stodart, jun.).
Woolly James, of Basinghall-street, wholesale woollen-draper, and Blackwell-hall factor.

April 18.—Gazette, March 28.

Armfield Moses, of Macclesfield, silk-manufacturer.
Gilliam William, of Hillam, Monkfrystone, butcher.
Jones David, of Liverpool, auctioneer.
Knott Samuel, of Fairfield, near Manchester, corn-dealer.
Lomas Isaac, of Sheffield, grocer and flour-seller.
Ranford Samuel Howard, of Neckinger-road, fellmonger.
Stott George Louis, of Bristol, soda-manufacturer.
Twist John, of Selby, timber-merchant.

April 21.—Gazette, March 31.

Carruthers Richard, of Lower Thames-street, wholesale cheesemonger.
Dellier Desire, of Berners-street, upholsterer.
Harland John, of Newcastle-upon-Tyne, woodmonger.
Jennings John, of Canterbury, hotel-keeper.
Lewis Lewis, jun., of Throckmorton-street, stock-broker.
Pett William, of Bridge, near Canterbury, carpenter.
Pissey William, of Rayleigh, Essex, draper.

Radcliffe Augustus, and George Edwards, of Salford, wine-merchants.
 Schwind Charles, of Liverpool; merchant, (partner with Thomas Turner and David Brade).
 Townsend William, and William Brown, of Cheapside, warehousemen.
 Tripp John, of Hull, sawyer and bone-crusher.

DIVIDENDS.

Gazette, March 3.

Date of Fiat.

- 1834, BROWN Humphrey, John Henry Bradley, and Benjamin Harris, of Gloucester, and of Birmingham, Warwickshire, merchants; fur. joint div., and fur. sep. divs. of each.
 1836, COLLISON and Collison, of the Quadrant, linen-drappers; div.
 1836, FURNESS Richard, of Preston, Lancashire, slater and plasterer; div.
 1836, HANKS William, late of Moreton in the Marsh, and now of Naunton, Gloucestershire, corn-dealer; first and final div.
 1833, KINGSFORD John, of Barton, in St. Mary, Northgate, Canterbury, miller; fur. div.
 1835, KINGSFORD Sampson, of Sherry, Kent, miller; second div.
 1836, KINGSFORD William (ren. fiat), of Buckland, near Dover, Kent, paper-manufacturer and miller; fur. div.
 1835, MAINPRICE John, of Soham, Cambridgeshire, victualler; div.
 1827, MORLEY William, of Manchester, Lancashire, commission-agent; first and final div.
 1836, POULTON William, of Broadlease, in Cricklade St. Sampson, Wiltshire, cattle salesman, and of Cavenham, Oxfordshire, farmer; div.
 1820, SEAMAN Charles, and another (since renewed), late of Norwich, goldsmiths, jewellers, and watch-makers; final div. of C. Seaman.
 1836, TAYLOR Henry Lemon, of Highworth, Wiltshire, saddler and harness-maker; final div.

Gazette, March 7.

- 1836, BAILEY William, sen., and William Bailey, junior, of No. 184, Whitecross-street, London, curriers and leather-dressers; sep. div. of Bailey, jun.
 1836, BATCHELOR James, of Newport, Isle of Wight, Hants, mercer; first and final div.
 1831, BIRCH Robert, of Great Longstone, Derbyshire, and also of New Mills, near Ashborne, same county, cotton-spinner (heretofore carrying on business at New Mills aforesaid, in copartnership with John Douglas Cooper, under the firm of John Douglas Cooper & Co.); joint div. of Birch & Cooper, and sep. div. of Birch.
 1832, BLAKE James, of No. 11, Norton Falgate, Middlesex, chemist and druggist; final div.
 1836, CHILD Richard, of Berners-street, Oxford-street, Middlesex, upholsterer; div.
 1836, COOKE James, of No. 13, Regent-street, Middlesex, tailor; div.
 1836, FARR George, of High Holborn, Middlesex, fringe manufacturer; div.
 1836, HORTON John Pool, of Westbromwich, Staffordshire, engine boiler maker; first and final div.
 1821, HOWARD Edward, and James Gibbs, late of Cork-street, Burlington-gardens, St. James's, Westminster, money-scriveners and brokers; final div.
 1835, MILLER Robert, of Norwich, tobaccoist; fur. div.
 1836, PERKINS George, of Booth Town, in Northowram, Halifax, Yorkshire, silk-spinner; div.
 1836, PLANK Andrew, and John Plank, of Canterbury, woolstaplers; final joint and sep. divs.

Date of Fiat.

- 1836, ROTH Benjamin, of Union-street, Southwark, tea-dealer and grocer; div.
 1824, STEWART William, of Mitre-court, Cheapside, London, merchant; final div.
 1836, TOWNSHEND William, and William Brown, of Cheapside, London, warehousemen; joint div. of the bankrupts and Jonas Wilks, of Watling-street, Irish linen warehouseman, and final joint div. of the bankrupts.

Gazette, March 10.

- 1836, ADAMS Richard James, of Chelmsford, Sussex, cabinet-maker; div.
 1836, BROWN Thomas, of Grange, Chester, common brewer; div.
 1835, BOWRING John, and William Garrod, of Exmouth-street, Clerkenwell, Middlesex, linen-drappers; div.
 1824, CAMPION Robert, of Horselydown-lane, Surrey, cooper; final div.
 1834, HODGSON Edward, of Thrumpton, in Ordsall, Nottinghamshire, and Robert Olpherts, said county, exercising and carrying on the business of coach-builders; div.
 1829, KING Matthias Dupont, and Henry King, of Falcon-street, London, wine-merchants; final div.
 1836, LAY Benjamin, of Colchester, Essex, carpenter and builder; div.
 1820, LYNE Joseph, and Charles Lyne, of Finsbury-square, Middlesex, merchants; final divs.
 1835, MITCHELL William Brightmore, of Sheffield, Yorkshire, merchant and manufacturer; fur. div.
 1836, PONTIN Stephen, of No. 45, Tottenham-court-road, Middlesex, builder and fishmonger; div.
 1836, PRICE Thomas, of No. 5, Margaret-street, Cavendish-square, Middlesex, patent axle-tree maker; div.
 1835, ROBINSON Solomon, of Salford, Lancashire, flax-spinner and dresser; div.
 1824, TODE George Paul, of Regent-street, St. James's, Westminster, watch-maker and dealer in watches; final div.

Gazette, March 14.

- 1810, ADAMS Charles, late of Pancras-lane, London, and of Crown-street, Finsbury, Middlesex, merchant; final div.
 1827, BADNALL Richard, of Leek, Staffordshire, banker and silk-manufacturer; final div.
 1830, BAKER Isaac Bird, of No. 14, Conduit-street, Bond-street, Middlesex, tailor; final div.
 1833, BARBER Samuel, of No. 95, Drury-lane, St. Clement Duns, Middlesex, draper and mercer; final div.
 1835, BLADON Leonard, of Hanway-street, Middlesex, tailor and draper; div.
 1836, BLOOM John, of Goole, Yorkshire, coal-dealer; div.
 1836, BOWLER Edward, otherwise Eden Bowler, of No. 19, Padlington-street, St. Marylebone, and of Lock-yard, Hantsworth-mews, Middlesex, hackneyman; div.
 1835, BOWRING John, and William Garrard, of Exmouth-street, Clerkenwell, Middlesex, linen-drappers; div.
 1836, BRIMMER John Jealous, of Greek-street, Soho, Middlesex, printer; div.
 1829, BROWN Thomas, of No. 33, Bell-yard, Lincoln's Inn, Middlesex, plumber, painter, and glazier; div.
 1832, CARTER Samuel, formerly of Newbury, Berkshire, since of Speenhamland, Berkshire, afterwards of Fareham, Surrey, surgeon and apothecary; div.
 1834, CLARK Robert, of No. 7, High Holborn, Middlesex, woollen-draper; div.
 1834, COLLING Joseph, of Yarmouth, Norfolk, grocer and tea-dealer; div.
 1834, CROSER Joseph, George Walker, and John Cockram Walker, of Newcastle-upon-Tyne, ship and insurance brokers; joint div.

Date of Fiat.

- 1836, DOCKING William George, of Hampstead-road, Middlesex, cheesemonger; final div.
- 1830, DUBBINS Edward, of Brighton, Sussex, plumber and glazier; div.
- 1836, ELDRIDGE Charles, of Brighton, Sussex, builder; first and final div.
- 1836, EVERARD James, formerly of Naseby, Northamptonshire, ale and beer seller, but since then of Wellingborough, said county, farmer; div.
- 1836, FOLKARD Thomas, of No. 100, High Holborn, Middlesex, hackneyman; final div.
- 1833, FRIEND Charles, of Munster-street, Regent's-park, Middlesex, milkman; final div.
- 1833, GAY Thomas Augustus, of No. 9, Southampton-buildings, Chancery-lane, Middlesex, law and general stationer; div.
- 1832, HAYS Christopher Dunkin, late master of the ship Reliance, trading to India, now residing at Meriton's Wharf, Bermondsey, Surrey, mariner; div.
- 1836, HILL James, of Montagu-mews, Montagu-square, St. Mary-lebone, Middlesex, hackneyman; div.
- 1836, HYATT John, of the White Ferry House, near the Commercial-road, Pimlico, Middlesex, victualler; final div.
- 1836, LYNCH John Gilbert, and James Kite, of Macclesfield Wharf, New North-road, Hoxton, Middlesex, coal-merchants; joint div., and sep. divs. of each.
- 1821, NANTES Henry, late of Warnford-court, Throgmorton-street, London, merchant (surviving partner of Richard Mullman French Chiswell); joint div., and sep. div. of Nantes.
- 1836, NICOLL James Enderby, and John Warburton, of Liverpool, Lancashire, tailors and drapers; joint div.
- 1836, PEACOCK James Green, of Allhallows-lane, London, merchant; div.
- 1836, PITE Mary Ann, of Beech-street, Barbican, London, hatter; div.
- 1833, PROBETT Stephen Thomas, of Derby, wholesale stationer, printer, and publisher; final div.
- 1835, ROTHERHAM William, of Shoreditch, Middlesex, draper; final div.
- 1835, ROWED Henry, and John William Greenshields, of New Bond-street, Westminster, tailors; joint div.
- 1833, SMITH Robert, of Church-street, Gravesend, Kent, bricklayer and builder; div.
- 1836, SOTHEY Samuel, and Samuel Leigh Sothey, of No. 3, Wellington-street, Strand, Middlesex, auctioneers and book-sellers; joint div., and final div. of each.
- 1833, SOUTHALL Gad, and William Milnes, both of Pedlar's Acre Wharf, Lambeth, Surrey, coal-merchants; joint div., and final divs. of each.
- 1836, TAYLOR Thomas, of Topping's Wharf, Tooley-street, Southwark, Surrey, cheese-factor and provision-agent; div.
- 1820, WACE Richard, of Castle-street, Falcon-square, London, merchant, (partner with Thomas Pierrepont, carrying on business there under the firm of Richard Wace & Co., and in Barbadoes, in the West Indies, under the firm of Thomas Pierrepont & Co.); div.
- 1831, WHATELY William, of Lawrence Pountney-hill, London, merchant; final div.
- 1836, WILLIAMSON Richard, of Derby, saddler, collar and harness maker; first and final div.

Gazette, March 17.

- 1836, BACON Thomas Avery, of Markfield, Leicestershire, flour-seller; div.
- 1833, CHAMBERS Charles, late of Duxford, Cambridgeshire, grocer; final div.
- 1836, COUCHMAN Stephen, of Strood, Kent, grocer and tea-dealer; div.

4. BANK. 1837.

Date of Fiat.

- 1836, GERRARD Nehemiah, and John Gerrard, of Manchester, Lancashire, cotton-spinners; joint div., and sep. divs. of each.
- 1831, HYDE Joseph Cornelius, of Iver Heath, Buckinghamshire, mealman; final div.
- 1836, LAZARUS Abraham, of Chiswell-street, London, draper; final div.
- 1836, LEGG Thomas, of Windmill-street, Tottenham-court-road, Middlesex, carver and gilder; div.
- 1836, MIDDLETON John, of Bread-street, London, warehouseman; div.
- 1835, MULLINER Joseph Manning, of Northampton, coach-maker; first and final div.
- 1836, O'REILLY Ellen, of No. 28, Harley-street, Cavendish-square, Middlesex, lodging-house keeper; div.
- 1832, SMITH Edward Osborne, of Bucklersbury, London, merchant and commission-agent; fur. div.
- 1835, TAYLERSON Robert, late of South Shields, Durham, ship-owner; second and final div.
- 1836, WEST Henry John, of Bath, music-seller; div.
- 1836, WHITE David, of Twerton, near Bath, beer seller and brewer; div.
- 1836, WOODS James, of Stowmarket, Suffolk, iron-founder and maltster; div.

Gazette, March 21.

- 1831, ANDREW Joseph, of Nottingham, money-scrivener; fin. div.
- 1833, BLYTH William, of Birmingham, Warwickshire, file-manufacturer; final div.
- 1835, DAVIS Alfred, of Arundel, Sussex, chemist and druggist; final div.
- 1836, DOUBLEDAY Hippolite Jarvis, of No. 4, Minories, London, oil and colourman; div.
- 1836, HALL Joseph, of Savage-gardens, Tower-hill, London, wine-merchant; div.
- 1836, HARGREAVES Thomas, of Manchester, Lancashire, inn-keeper and victualler; first and final div.
- 1836, LOOKER John, of Oxford, scrivener; div.
- 1836, OWEN James, of Bishopsgate-street, London, linen-draper; div.
- 1835, PICKFORD Thomas, of No. 87, Whitechapel, Middlesex, rectifier; div.
- 1836, PROCTOR William Nelson, of Manchester, Lancashire, cotton-dealer and spinner, and Philip Shaw Hyatt, of near Stone, Staffordshire, farmer (carrying on business in copartnership at Manchester aforesaid, as cotton-dealers and spinners, under the style or firm of W. N. Proctor & Co.); joint div.
- 1834, PROSSER Thomas, of Coleshill, Warwickshire, draper and grocer; final div.
- 1836, RANFORD Samuel Howard, of the Neckinger-road, Bermondsey, Surrey, fellmonger; div.
- 1836, RICHARDSON Richard, of Birmingham, Warwickshire, victualler; div.
- 1833, ROUNTHWAITE George, of the Salisbury Arms Tavern, Bear-street, Leicester-square, Middlesex, keeping an hotel and tavern; fur. div.
- 1830, SCOTT William, of Bristol, merchant and ship-builder (carrying on trade in partnership with his son, James Mullins Scott, in the said business of a ship-builder, under the firm of William Scott & Son); final div.
- 1836, WESTON Henry, of Chailley, Sussex, victualler; div.

Gazette, March 24.

- 1836, BORWELL Joseph Conates, of Oxford-street, and also of Salford, both within Manchester, Lancashire, baker and flour-dealer; div.
- 1836, CLEALL Henry, of Poole, painter, plumber, and glazier; final div.
- 1835, GRACE William Langley, of Eastcheap, London, orange-merchant; final div.

Date of Fiat.

- 1833, HALL John, of Barton-upon-Humber, Lincolnshire, builder; div.
- 1835, HAWKINS Otto Jacob George, of Upper Belgrave-street, St. George, Hanover-square, Middlesex, boarding-house keeper; div.
- 1836, JEFFREYS John, and William Barton, of Liverpool, Lancashire, wine and spirit merchants; div.
- 1832, OSBORNE James, of Bishopgate-street Within, London, cheesemonger; final div.
- 1836, PENNYCAD William, of Rosemary-lane, Middlesex, grocer; div.
- 1836, TURNER John, of Heywood, Lancashire, cotton-manufacturer; div.
- 1836, WOOLLETT Joseph, of Gould-square, London, merchant; div.
- 1836, YATES James Richard, of the Three Compasses public-house, King-street, St. James's, Westminster, victualler; div.

Gazette, March 28.

- 1836, BENATTAR Haim, late of Fish-street-hill, and of Bevis Marks, both in London, but now of Mogadore, in the empire of Morocco, merchant; div.
- 1834, BICKERDIKE George, of Huddersfield, Yorkshire, victualler; fur. div.
- 1836, COX Henry, of Goswell-street, St. Luke's, Middlesex, soap-manufacturer; div.
- 1836, ERICHSEN Eric, and Alexander Burn Callander, of Mincing-lane, London, corn-factors; div.
- 1836, FERRERS George Thomas, late of King-street, Hammer-smith, and of No. 26, Great Pulteney-street, Golden-square, both in Middlesex, bedding-manufacturer; final div.
- 1836, FRY Arthur, of No. 18, Blackfriars-road, Surrey, and of No. 7, Hereford-place, Commercial-road, Middlesex, hat-manufacturer; final div.
- 1836, GANDER Joshua Darwin, of the Bee Hive public-house, Brill-row, Somers-town, Middlesex, licensed victualler; div.
- 1834, GRIFFITH John, of Cateaton-street, London, wool-broker; div.
- 1836, HEAP John, of Manchester, Lancashire, builder and stone-mason; div.

Date of Fiat.

- 1836, LAWTON George, of York, d. c.; div.
- 1815, MOWBRAY Arthur, George Lewis Hollingsworth, John Wetherell, William Sheldale, William Bolton, and Richard Stokes, of Durham, and of Darlington, Durham, and of Thirk, Yorkshire, and of Lothbury, London, bankers; final div.
- 1834, NEWBERRY Jacob, of Reading, Berkshire, scrivener; fin. div.
- 1811, PEARKES John, of St. Paul's-churchyard, London, linen-draper; final div.
- 1836, PONS Charles Jean Baptiste, of No. 16, Old Bond-street, Middlesex, hatter and milliner; div.
- 1818, SAUNDERS Edward, of Faversham, Kent, grocer; final div.
- 1837, SMYTH William, of Portsea, Southampton, coach-master and coal-merchant; final div.
- 1835, STROUD William Dicker, of Wexhampton, Berkshire, linen and woollen draper and haberdasher; final div.
- 1836, SUGGETT George, of Barbican, London, merchant; div.

Gazette, March 31.

- 1836, BOUTLAND William, of Bill Quay, Durham, ship-builder; div.
- 1836, FORSTER Joseph, John Forster, and William Forster, of Carlisle, Cumberland, bankers; div.
- 1836, GATE William, of Carlisle, timber-merchant; div.
- 1836, GREEN George, and John Lees, of Huddersfield, Yorkshire, fancy cloth manufacturers; div.
- 1835, HEATHER George, of St. Ann's-place, Limehouse, Middlesex, mahogany merchant, and Edward Arple, of No. 10, Brunswick-terrace, Commercial-road East, said county, mahogany merchant; div.
- 1835, HOUGH William, of Manchester, Lancashire, builder and bricklayer; div.
- 1836, KINDER Thomas, of Sutton-in-Ashfield, Nottinghamshire, farmer and victualler; first and final div.
- 1836, NEWELL William, of New Radford, Nottinghamshire, wry lace manufacturer; first and final div.
- 1833, ROBERTS John, of Carnarvon, merchant; fur. div.
- 1836, WILKS James, of Watling-street, London, Irish linen ware-houseman; div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF APRIL, 1837.

BANKRUPTS.

London Gazette, Tuesday, April 4, 1837.

TOWN AND COUNTRY FIATS.

- BAILEY William, of Wolverhampton, in the county of Stafford, plumber and glazier, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Wills, Birmingham. Fiat, March 23.
- BARTLEET Henry, of Redditch, in the county of Worcester, builder and carpenter.—Sols. Cresswell, Birmingham, and Gatty, Red Lion-square. Fiat, March 22.
- BOWERING John, of Nelson-place, in the parish of Clifton, in the borough of the city of Bristol, and county of the same city, butcher, *d. c.*—Sols. White & Whitmore, Bedford-row, and Short, Bristol. Fiat, March 10.
- COTTON William, of Deptford, in the county of Kent, victualler.—Official assignee, Belcher, King's Arms-yard.—Sols. Ridsdale & Craddock, Gray's Inn-square. Fiat, March 20.
- CRANE Thomas, of Loughborough, in the county of Leicester, grocer, *d. c.*—Sols. Allen, Wharton-street, Lloyd-square, Clerkenwell, and Parker, Loughborough. Fiat, March 11.
- POWLER Thomas, of Basingstoke, in the county of Southampton, *d. c.*—Sols. Thomson, Chancery-lane, and Brown, Lymington. Fiat, March 9.
- GARNER Joseph, of Liverpool, in the county of Lancaster, wine and spirit merchant, *d. c.*—Sols. Thompson, Liverpool, and Cuvelje, Southampton-buildings. Fiat, March 28.
- GITTON George Robert, of Bridgnorth, in the county of Salop, printer, *d. c.*—Sols. Philpot & Son, Southampton-street, Bloomsbury, and Vickers, Bridgnorth. Fiat, March 23.
- HADLEY James, of Birmingham, in the county of Warwick, mercer and draper, *d. c.*—Sols. Sculthorpe, Gray's Inn, and Weston, Birmingham. Fiat, March 28.
- JOHNSTON James, of Newport, in the county of Monmouth, grocer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Cary & Cross, Bristol. Fiat, March 18.
- LENTEN Richard, of the city of Bath, in the county of Somerset, stationer, *d. c.*—Sols. Nicholls, Cook's-court, Hellings, Bath, and Frankis, Bristol. Fiat, March 10.
- MARSTON John, of Tewkesbury, in the county of Gloucester, chemist, druggist, and grocer, *d. c.*—Sols. Jenkins & Abbott, New Inn, and Sproull, Tewkesbury. Fiat, March 30.
- M'KEY Leslie, late of the city of Dublin, in Ireland, but now a prisoner in the Castle of Lancaster, in the kingdom of England, merchant, *d. c.*—Sols. Kay & Co. Manchester. Fiat, March 29.
- SQUIER Tristram Thomas, of the city of Exeter, brush-manufacturer, *d. c.*—Sols. Gidley & Kingdon, Exeter, and Burfoot, Temple. Fiat, March 23.
- WESTLEY Frederick, and Abraham Hopkins Davis, of Stationers'-hall-court, in the city of London, booksellers.—Official assignee, W. Tarquand, Copthall-buildings.—Sols. Chisholm & Co. Lincoln's Inn-fields. Fiat, April 1.
- WHEELER John Hall, of Hoxton-square, in the county of Middlesex, baker, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Reece, Furnival's Inn. Fiat, March 31.
- WHITAKER James, of Manchester, in the county of Lancaster, packer, *d. c.*—Sols. Cooper, Manchester, and Adlington & Co. Bedford-row. Fiat, March 9.
- WRIGLEY Henry, of Halifax, in the county of York, silk-waste spinner, *d. c.*—Sols. Jacques & Co. Ely-place, and Stocks & Macaulay, Halifax. Fiat, March 28.

d. c. dealer and chapman.

YATES Saul, of No. 3, Bury-court, St. Mary Axe, in the city of London; bill-broker.—Official assignee, W. Whitmore, Basinghall-street.—Sol. Sydney, New London-street. Fiat, March 31.

Gazette, Friday, April 7.

BANKRUPTCY ENLARGED.

CLARKE John, of Liverpool, painter.

TOWN AND COUNTRY FIATS.

- BAILEY Adam, of St. Neot's, in the county of Huntingdon, grocer, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Neal, Threadneedle-street. Fiat, March 27.
- CAKEBREAD Samuel, of the borough of Warwick, in the county of Warwick, stone-mason.—Sols. Taylor & Co. Bedford-row, Haynes & Moore, Warwick, and Smallbone, Leamington. Fiat, March 27.
- COCKERILL William James, of the Poultry, in the city of London, music-seller, *d. c.* (trading under the firm of Dale, Cockerill & Co.)—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Fry, Cheap-side. Fiat, April 5.
- DAVENPORT Jedediah, of Derby, in the county of Derby, colour-manufacturer, *d. c.*—Sols. Scargill, Hatton-court, Threadneedle-street, and Smith, Derby. Fiat, March 20.
- DUCKET William, of Whaplode, in the county of Lincoln, farmer, *d. c.*—Sols. Ayllif, Holbeach, and Wing, Gray's Inn. Fiat, Mar. 30.
- FRASER John, of Liverpool, in the county of Lancaster, merchant and commission agent, (carrying on business there under the firm of John Fraser & Co.) *d. c.*—Sols. Adlington & Co. Bedford-row, and Frodsham, Liverpool. Fiat, March 25.
- FRASER William, formerly of Cleveland-court, St. James's, and afterwards of Wilton-crescent, Pimlico, in the county of Middlesex, bookseller, publisher, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Roy & Co. Liverpool-street. Fiat, March 31.
- GILLESPIE Miles Ellison and William John Hall, of Chester-le-street, in the county of Durham, common brewers, copartners in trade, *d. c.*—Sols. Shaw, Ely-place, and Walters, Newcastle-upon-Tyne. Fiat, March 11.
- GRAY Charles Henry, of the city of Bath, in the county of Somerset, provision-merchant, *d. c.*—Sols. Frankham & Dixon, Basinghall-street, and Physick, jun. Bath. Fiat, March 29.
- GILLETT Robert, the elder, of No. 57, Princes-street, Lambeth, but now of Princes-road, Lambeth, in the county of Surrey, flour-factor, coal-merchant, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Young & Co. Mark-lane. Fiat, April 5.
- HIND Thomas, and Charles Clayton, of the town and county of the town of Nottingham, lace-manufacturers and copartners, *d. c.*—Sols. Parsons & Sons, Nottingham, and Yallop, Basinghall-street. Fiat, March 31.
- HOPKINS Thomas, of Kidderminster, in the county of Worcester, carpet-manufacturer, *d. c.*—Sols. Holme & Loftus, New Inn, and Talbot, Kidderminster. Fiat, March 20.
- JENNINGS Richard, of Clarendon-street, Leamington Priors, in the county of Warwick, builder, *d. c.*—Sols. Wimburn & Co. Chancery-lane, and Smallbone, Leamington Priors. Fiat, March 9.
- NORMAN Samuel, of Princes-street, Leicester-square, in the county of Middlesex, silversmith, pawnbroker, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Harrison & Dobree, Hart-street, Bloomsbury, and Richardson & Pike, Golden-square. Fiat, Apr. 5.
- PAPPS John, and Daniel Sitlington, of Stroud, in the county of Gloucester, woollen-cloth manufacturers, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sols. Venning & Naylor, Tokenhouse-yard. Fiat, March 27.
- POTTS Henry, of Valentine-terrace, Blackheath-road, in the county of Kent, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Newbon, Great Carter-lane. Fiat, April 5.

SIMPSON William, of Kirby-street, Hatton-garden, in the county of Middlesex, victualler and builder, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Van Sandau, Old Jewry. Fiat, April 4.

SMART Richard, of the Thornhill Arms, Southampton-street, in the parish of St. Mary, Islington, in the county of Middlesex, victualler, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Brundrett & Co. Inner Temple. Fiat, April 4.

WILCOX Thomas, of Deptford, in the county of Kent, licensed victualler, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Turner, Whitechapel-road. Fiat, April 3.

WILDEBOER Anthony, and John Kuck, of London-street, Fenchurch-street, in the city of London, merchants and copartners, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Van Sandau, Old Jewry. Fiat, April 4.

Gazette, Tuesday, April 11.

TOWN AND COUNTRY FIATS.

ASHCROFT Henry, of Liverpool, in the county of Lancaster, victualler and marble mason, *d. c.*—Sols. Booker, Liverpool, and Holme & Loftus, New Inn. Fiat, April 4.

BROOKE John, of Dewsbury, in the county of York, woollen-cloth manufacturer and merchant, *d. c.*—Sols. Jacomb & Tindale, Huddersfield, and Van Sandau, Old Jewry. Fiat, March 11.

COLLETT Richard, of Middle-row, in Holborn, in the county of Middlesex, ironmonger and cutler, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Mawson, Manchester. Fiat, March 22.

CORNES Robert, of Manchester, in the county of Lancaster, ironmonger, *d. c.*—Sols. Milne & Co. Temple, and Bewick & Son, Birmingham. Fiat, March 23.

DAIRES Charles Wynne, of Bishopscastle, in the county of Salop, mercer, draper, *d. c.*—Sols. Blackstock & Co. Temple, and Watson, Shrewsbury. Fiat, March 31.

ELLSON Thomas, of Henley-upon-Thames, in the county of Oxford, wine and spirit merchant, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Ford, Great Queen-street, Lincoln's Inn-fields, and Bartlett, Reading. Fiat, April 8.

FRY Frederick, of Quiet-street, in the city of Bath, butcher, *d. c.*—Sols. Blake & Lewis, Essex-street, Strand, and Hardy, Bath. Fiat, April 6.

HOLT James, late of Bolton, in the county of Lancaster, innkeeper, *d. c.* (but now a prisoner confined for debt in his Majesty's gaol the Castle of Lancaster).—Sols. Chilton, Chancery-lane, and Hulton, sen. Bolton. Fiat, March 27.

HUDSON Richard, of Birmingham, in the county of Warwick, currier, *d. c.*—Sols. Harrison, Birmingham, Norton & Chaplin, Gray's Inn-square, and Winterbotham & Thomas, Tewkesbury. Fiat, March 14.

JONES Edward, of Manchester, in the county of Lancaster, drysalter, *d. c.*—Sols. Johnson & Co. Temple, and Hitchcock, Manchester. Fiat, April 3.

KAY Samuel, of Heaton Norris, in the county of Lancaster, victualler, *d. c.*—Sols. Coppock, Cleveland-row, St. James's, and Coppock & Woollam, Stockport. Fiat, April 3.

LENG Richard, of Birmingham, in the county of Warwick, victualler, *d. c.*—Sols. Thorndike, Staple Inn, and Wheeler, Birmingham. Fiat, April 6.

PERKINS Charles, of Manchester, in the county of Lancaster, small-ware manufacturer, publican, *d. c.*—Sols. Kay & Co. Manchester. Fiat, April 6.

RAINE Thompson, now of Highgate, but late of No. 7, New Bond-street, in the county of Middlesex, perfumer, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Wright, Percy-street. Fiat, April 8.

RIMER Philip, of the town and county of the town of Southampton, provision merchant, *d. c.*—Sols. Walker, Southampton-street, Bloomsbury, and Deacon, Southampton. Fiat, March 28.

ROBERTSON John Stewart, and Joseph Todd, both of Manchester, in the county of Lancaster, and Oldham, in the same county, linen-manufacturers, *d. c.* and copartners (trading at Manchester aforesaid, under the firm of John Stewart Robertson & Co., and at Oldham aforesaid, under the firm of Joseph Todd & Co.).—Sols. Norris & Allen, Bartlett's-buildings, and Norris, Manchester. Fiat, March 27.

RYLAND Charles, of Birmingham, in the county of Warwick, iron-merchant, *d. c.*—Sols. Harrison, Birmingham, Norton & Chaplin, Gray's Inn-square, and Tarleton, Birmingham. Fiat, March 12.

SCHENCK Johann Jacob, of the town and county of the town of Nottingham, lace-manufacturer, *d. c.* (trading in England solely, under the style or firm of George Kendall & Schenck, and at New York, in America, with Carl Wilhelm Dieseldorff, his partner, under the style or firm of Schenck, Dieseldorff & Co.).—Sols. Perry & Co. Nottingham, and Austin & Hobson, Raymond-buildings. Fiat, April 5.

VERTUE Thomas, of Woodbridge, in the county of Suffolk, merchant, *d. c.*—Sols. Carthew, Woodbridge, and Grose & Barfoot, Temple. Fiat, April 1.

WEATHERILL Robert, of Manchester, in the county of Lancaster, ironmonger, *d. c.*—Sols. Milne & Co. Temple, and Bewick & Son, Birmingham. Fiat, March 14.

Gazette, Friday, April 14.

TOWN AND COUNTRY FIATS.

ARTHUR John, of Colyton, in the county of Devon, paper-manufacturer, *d. c.* (trading under the firm of John Morgan & Co.).—Official assignee, G. Green, Aldermanbury.—Sols. Stevens & Co. Queen-street. Fiat, April 12.

BENJAMIN Jacob, of Jewry-street, Aldgate, in the city of London, watch-manufacturer, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Yates, Bury-court, St. Mary Axe. Fiat, April 14.

BENTLEY William, the elder, of the city of Glasgow, in Scotland, and William Bentley, the younger, of Liverpool, in the county of Lancaster, merchants, *d. c.* and partners, (carrying on trade at Liverpool aforesaid, and at Glasgow aforesaid, under the firm of William Bentley, sen. & Co.).—Sols. Shackleton & Co. Liverpool, Mawdaley, Liverpool, and Baxendale & Co. Great Winchester-street. Fiat, April 7.

CHAPMAN James, late of Tonbridge, in the county of Kent, grocer and corn-dealer, shopkeeper, *d. c.* (but now a prisoner for debt in the custody of the Marshal of the King's Bench prison).—Official assignee, D. Cannan, Sambrook-court.—Sols. Templer & Co. Great Tower-street. Fiat, April 10.

CONSTABLE Walter, of the Hay, in the county of Brecon, and of Dowlais, in the county of Glamorgan, grocer, shopkeeper, *d. c.*—Sols. White & Whitmore, Bedford-row, Fugh, Hay, and Berra & Brittan, Bristol. Fiat, March 30.

COURTNEY Robert Lynham, of Walsall, in the county of Stafford, ironmonger, grocer, auctioneer, *d. c.*—Sols. Rickards & Walter, Lincoln's Inn-fields, and Thomas, jun. Walsall. Fiat, April 11.

DAVIES Charles Wynne, of Bishopscastle, in the county of Salop, mercer, draper, *d. c.*—Sols. Blackstock & Co. Temple, and Watson, Shrewsbury. Fiat, March 31.

GILLOTT John, of Masbrough, in the parish of Rotherham, in the county of York, timber, stone, and slate merchant, *d. c.*—Sol. Taylor & Son, John-street, Bedford-row, and Badger, Rotherham. Fiat, April 1.

GOUGH Nathan, of Salford, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Heron, Manchester, and Walsley & Co. Chancery-lane. Fiat, March 20.

HODGES Samuel, of Cirencester, in the county of Gloucester, veterinary surgeon and chemist and druggist, *d. c.*—Sols. Hurley, Gray's Inn-square, and Lediard, Cirencester. Fiat, April 8.

MIFLIN Martha, of Cirencester, in the county of Gloucester, inn-keeper, *d. c.*—Sols. Mullings, Cirencester, and Trinder, Lincoln's Inn-fields. Fiat, April 7.

PAGET William, of Birmingham, in the county of Warwick, hosier, haberdasher, *d. c.*—Sols. Burfoots, Temple, and Page, Birmingham. Fiat, April 8.

PERRY Robert, of the parish of Aston, near Birmingham, in the county of Warwick, *d. c.*—Sols. Adlington & Co. Bedford-row, and Wills, Birmingham. Fiat, April 8.

RAMSAY James, of Penrith, in the county of Cumberland, spirit-dealer, *d. c.*—Sols. Helder, Clement's Inn, and Jameson, Penrith. Fiat, March 31.

SANGROUBER Peter, of Old Compton-street, in the parish of St. Anne, Westminster, in the county of Middlesex, licensed victualler and dealer in wine and spirits.—Official assignee, Lackington, Basinghall-street.—Sols. Allen & Co. Carlisle-street. Fiat, April 12.

SAVAKER Samuel, of Great Ealing, in the county of Middlesex, and Colnbrook, in the county of Buckingham, linen and woollen draper.—Official assignee, E. Edwards, Pancras-lane.—Sol. Sandford, Adelphi-terrace. Fiat, April 11.

STEVENS John Lee, of No. 162, Fleet-street, in the city of London, printer and publisher, and newspaper proprietor, *d. c.*—Official assignee, J. Clarke, St. Swithin's-lane.—Sol. Parkes, Gray's Inn. Fiat, April 10.

THRELFALL James, of Leeds, in the county of York, stuff-merchant.—Sols. Jaques & Co. Ely-place, and Hitchin & Lonsdale, Halifax. Fiat, March 30.

WOOD George, of Lyme Regis, in the county of Dorset, linen-draper.—Sols. Flights, Bridport, and Church, Great James-street. Fiat, March 9.

Gazette, Tuesday, April 18.

BANKRUPTCIES SUPERSEDED.

BOYS George, of Rodley, Leeds, innkeeper.

FISKE Henry, of Watton, Norfolk, grocer and general shopkeeper.

TOWN AND COUNTRY FIATS.

ADAMS John Moore, of the Strand, in the county of Middlesex, jeweller and silversmith, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Bolton, Austin-friars. Fiat, April 17.

ALEXANDER Edward, of Mill-street, Hanover-square, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sols. Owen & Dixon, Mincing-lane. Fiat, April 15.

BOWERMAN Richard Henry, late of Abingdon, in the county of Berks, but now of the High-street, Witney, in the county of Oxford, *d. c.*—Sols. Walker, Oxford, and Loaden, Great James-street. Fiat, April 7.

BRYSON John Taylor, of London-wall, and Little Bell-alley, in the city of London, baker, *d. c.*—Official assignee, G. Lackington, Basinghall-street.—Sol. Lloyd, Cheapside. Fiat, April 17.

CAPNER John, of Birmingham, in the county of Warwick, maltster and victualler, *d. c.*—Sols. Harrison, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, April 7.

CARTER John, late of Rettenden, in the county of Essex, and now of Great Baddow, in the same county, wine-merchant, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sols. Barker & Bridge, Mark-lane. Fiat, April 13.

CARTHEW George, of Redenhall with Harleston, in the county of Norfolk, banker and money-scrivener, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Beckwith & Co. Norwich. Fiat, April 14.

COOPER James, and John McLeod, of Liverpool, in the county of Lancaster, merchants and copartners, *d. c.*—Sols. Miller & Peel, Liverpool, and Taylor & Co. Bedford-row. Fiat, April 11.

CORNES Robert, of Ashton-under-Lyne, in the county of Lancaster, ironmonger, *d. c.*—Sols. Milne & Co. Temple, and Beswick & Son, Birmingham. Fiat, March 23.

COWAN Samuel, of Liverpool, in the county of Lancaster, tailor and woollen-draper, *d. c.*—Sols. Yates, Liverpool, and Kirk, Symond's Inn. Fiat, April 1.

EMMETT John, and Arthur Emmett, of the Old Kent-road, in the county of Surrey, market-gardeners, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Deaborough & Young, Sise-lane. Fiat, April 14.

LETCHER James Sandford, the younger, of Portsea, in the county of Southampton, grocer, *d. c.*—Sols. Low, Portsea, and Wimburn & Co. Chancery-lane. Fiat, April 12.

LALFORD Joseph, of the Hope public-house, George-street, Lisson-grove, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, T. M. Alsager, Birch-lane.—Sols. Marson & Dudley, Church-row, Newington Butts. Fiat, April 15.

ENZELL Charles Ralsbeck, of No. 1, Aldermanbury, in the city of London, stock-manufacturer and warehouseman, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Lawrence & Taylor, Old Fish-street. Fiat, April 13.

LOMAX James, of Stockport, in the county of Chester, paper-manufacturer, *d. c.* (carrying on business at Stockport aforesaid, and at Creams, in Little Lever, and at Manchester, both in the county of Lancaster).—Sols. Bower & Back, Chancery-lane, and Lingard & Co. Heaton Norris. Fiat, April 11.

MARSTON Thomas Spell, of Kenilworth, in the county of Warwick, carpenter, builder, *d. c.*—Sols. Burfoot, Temple, and Poole & Haynes, Leamington. Fiat, April 6.

PEARSON George Kent, of Macclesfield, in the county of Chester, silk-throwster, *d. c.*—Sols. Brundrett & Co. Inner Temple, and Thompson, Oldham. Fiat, March 17.

POULTON Henry, of Torquay, in the county of Devon, cabinet-maker.—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Meymott & Son, Great Surrey-street. Fiat, April 13.

RANKIN Thomas, of Epping, in the county of Essex, draper, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Bennett & Paul, Sise-lane. Fiat, April 14.

SCOTT Thomas, of Bow-churchyard, in the city of London, commission-agent, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sol. Lloyd, Cheapside. Fiat, April 14.

SEAGER George, of No. 86, Cornhill, in the city of London, tailor and draper, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Teague, Crown-court, Cheapside. Fiat, April 14.

STITT David Patterson, of Taunton, in the county of Somerset, linen-draper, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Soles, Aldermanbury. Fiat, April 4.

TURNBULL George, of Howdon Dock, in the county of Northumberland, grocer, *d. c.*—Sols. Tinleys, North Shields, and Holme & Loftus, New Inn. Fiat, April 10.

TURNBULL William, and Thomas Turnbull, of Howdon Dock, in the county of Northumberland, timber-merchants, *d. c.*—Sols. Tinleys, North Shields, and Holme & Loftus, New Inn. Fiat, April 10.

WATKINS Henry Francis, of the borough of the city of Bristol, corn-factor, *d. c.*—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, March 21.

WEBB John, of High-street, in the borough of Southwark, in the county of Surrey, linen-draper, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Turner & Son, Percy-street. Fiat, April 17.

Gazette, Friday, April 21.

BANKRUPTCY SUPERSEDED.

PONTIFEX Samuel, and William Farr, of Upper St. Martin's-lane, coppersmiths.

TOWN AND COUNTRY FIATS.

ANDERSON Joshua Rose, of No. 88, Quadrant, Regent-street, in the county of Middlesex, publisher of music, music-seller, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Sydney, New London-street. Fiat, April 17.

CLARBOUR John, of Sheffield, in the county of York, tea-dealer, confectioner, *d. c.*—Sols. Tattershall, Great James-street, Bedford-row, and Hoole, Sheffield. Fiat, April 13.

COPPOCK Charles, of No. 47, in the Strand, in the county of Middlesex, hosier, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane. Fiat, Feb. 28.

ELLAM Ralph Bate, of Russia-court, Milk-street, in the city of London, warehouseman, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Harrisons, Walbrook. Fiat, April 19.

FINCH William, of the city and borough of Worcester, scrivener, *d. c.*—Sols. Cameron & Foley, Worcester. Fiat, April 7.

FURNESS Joseph, of Openshaw, in the county of Lancaster, hat-manufacturer, *d. c.*—Sols. Tyler, Staple Inn, and Vaughan, Stockport. Fiat, April 14.

KEARSLEY Thomas, of Birmingham, in the county of Warwick, and also of Stoke, in the county of Stafford, bone and corn merchant, *d. c.*—Sols. Harrison, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, March 20.

LANGAN Francis, late of Regent-street, in the city of Westminster, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Gale, Basinghall-street. Fiat, April 13.

LLOYD Hugh Bevan, of the town of Hay, in the county of Brecon, maltster, *d. c.*—Sols. Gregory & Sons, Clement's Inn, and Ives, Brecon. Fiat, March 30.

MAGIN Arthur, of Ruthin, in the county of Denbigh, linen-draper, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, April 10.

POTT Stephen, of Edmonton, in the county of Middlesex, glass, china, and basket dealer, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Wares, Pleasant-row, Kingsland-road. Fiat, April 14.

RINGER John William, of the Elephant and Castle public-house, Market-place, Great Yarmouth, in the county of Norfolk, victualler, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Vandercom & Co. Bush-lane. Fiat, April 18.

TRYE James Henry, and Samuel Lightfoot, of Great St. Helens, in the city of London, merchants and copartners.—Official assignee, Johnson, Basinghall-street.—Sols. Crowder & Maynard, Mansion-house-place. Fiat, April 20.

VESTRIS Eliza Lucy, otherwise Lucy Elizabeth Vestris, late of Cheatham-place, Belgrave-square, in the county of Middlesex, but now of No. 2, Princes-court, Storey's-gate, Westminster, bookseller, music-seller, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Hughes, Chapel-street, Bedford-row. Fiat, April 18.

WEST James, now or late of Irthlingborough, in the county of Northampton; baker, *d. c.*—Sols. Greene, Higham Ferrers, and Austen & Hobson, Raymond-buildings. Fiat, April 6.

Gazette, Tuesday, April 25.

BANKRUPTCIES SUPERSEDED.

GREER John Robert, of Bristol, provision-merchant, corn-merchant, and porter dealer.

ROBERTS William, late of Newport, Monmouthshire, shipwright.

TOWN AND COUNTRY FIATS.

BRITTON John, and Joseph Westerman Briscoe, both of Darlington, in the county of Durham, carrying on the trade or business of linen and carpet manufacturers, in copartnership at Darlington aforesaid, under the style or firm of John Britton and Briscoe.—Sols. Skinner, Stockton, and Tilsons & Co. Coleman-street. Fiat, April 17.

BURGE William, of Wareham, in the county of Dorset, tanner and currier, *d. c.*—Sols. Phippard, Wareham, and Weller, Essex-street. Fiat, April 17.

CASWELL George, of Kidderminster, in the county of Worcester, bookseller, stationer, *d. c.*—Sols. Blackstock & Co. Inner Temple, and Boycot, jun. Kidderminster. Fiat, April 17.

CROW William Dunn, of Ecclesfield, in the county of York, tanner, *d. c.*—Sols. Atkinson & Pilgrim, Church-court, Lothbury, and Smith & Hinde, Sheffield. Fiat, April 17.

EXLEY John, of Riches-court, Lime-street, in the city of London, corn-factor, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Tilsons & Co. Coleman-street. Fiat, April 21.

GADSDEN Robert, and Raymond Percival, late of Upper St. Martin's-lane, in the county of Middlesex, printers and publishers, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sols. Lawrence & Blenkarne, Bucklersbury. Fiat, April 21.

GREEN John, of the parish of Bushey, in the county of Hertford, dealer in cattle.—Official assignee, Cannan, Sambrook-court.—Sols. Cowley & Son, Watford, and Sanger, Essex-court, Temple. Fiat, April 13.

GREENHILL William Wickham, of Cobham, in the county of Surrey, cattle-dealer, *d. c.*—Official assignee, Lackington, Basinghall-street.—Sols. Allen & Nicol, Queen-street, Chespaide. Fiat, April 24.

HEAP Richard, and James Heap, both of Colne, and of Trawden, in the county of Lancaster, cotton-manufacturers, worsted-manufacturers, *d. c.*—Sols. Weeks & Gilbertson, Cook's court, Lincoln's Inn-fields, and Hartley, Colne. Fiat, April 15.

HIM Charles, of Salisbury-square, in the city of London, hotel and tavern keeper, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Clark & Co. Sessions House, Old Bailey. Fiat, April 20.

JEFFERY William, of Little Chester-street, Belgrave-square, in the county of Middlesex, dealer in horses.—Official assignee, Belcher, King's Arms-yard.—Sol. Sandford, Adelphi-terrace. Fiat, April 18.

LEES John, of Bilston, in the county of Stafford, draper, sheep-shearer, *d. c.*—Sols. Austen & Hobson, Raymond-buildings, Hinchliffe & Hayea, Westthornwich, and Brown, Bilston. Fiat, April 15.

MACDOUGALL John, late of Buenos Ayres, merchant and factor (late partner with Duncan Macdougall).—Sols. Addington & Co. Bedford-row, and Radcliffe & Co. Liverpool. Fiat, March 25.

MILNER Joshua, and John Milner, both of Bradford, in the county of York, tailors, drapers, and copartners.—Sols. Batty & Co. Chancery-lane, and Wagstaff, Bradford. Fiat, April 14.

PARKER Charles, of Houghton-le-Skerne, in the county of Durham, carrying on business there, and at Darlington, in the same county, and also at Rawcliffe, in the county of York, (under the firm of Edward Parker & Sons) flax-spinner, *d. c.*—Sols. Tilsons & Co. Coleman-street, and Allison, Darlington. Fiat, April 18.

RIDDICK David, of Cirencester, in the county of Gloucester, tea-dealer.—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Bennett & Bolding, Scott's-yard, Bush-lane. Fiat, April 20.

Gazette, Friday, April 23.

TOWN AND COUNTRY FIATS.

ARCHIBALD Joseph, of King-street, Manchester, in the county palatine of Lancaster, tailor, *d. c.*—Sols. Gibson, Manchester, and Chisholme & Co. Lincoln's Inn-fields. Fiat, April 19.

BANKS Thomas, of Greta Mills, near Keawick, in the county of Cumberland, valentia manufacturer.—Sols. Stubbs, Staple Inn, and Rudd, Cockermouth. Fiat, April 19.

ELMER Robert, of the town of Southampton, provision-merchant, *d. c.*—Sols. Walker, Southampton-street, Bloomsbury-square, and Deacon, Southampton. Fiat, March 27.

EVANS James Wright, of Birmingham, in the county of Warwick, japanner and grocer, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Colmore, Birmingham. Fiat, April 19.

GARFIT Francis, of Swinton, in the parish of Wath-upon-Deane, in the county of York, cast-iron founder, *d. c.*—Sols. Ridsdale & Craddock, Gray's Inn-square, and Nicholson & Son, Wath. Fiat, April 17.

HIGGS Daniel, of Wickwar, in the county of Gloucester, innholder, baker, *d. c.*—Sols. Barker, Sodbury, and Poole & Gamlen, Gray's Inn-square. Fiat, April 22.

HOLDEN John, and Thomas Makin Fisher, of Manchester, and of Bacup, both in the county of Lancaster, cotton-spinners, *d. c.* and copartners, (carrying on business under the firm of John Holden & Co.)—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, April 21.

JONES William, of Shrewsbury, in the county of Salop, shoemaker, *d. c.*—Sols. Blackstock & Co. Temple, and Harper & Co. Whitechurch. Fiat, April 17.

LONDON Edward, late of Manchester, in the county of Lancaster, (but now a prisoner for debt in His Majesty's gaol the Castle of Lancaster, in the county aforesaid,) bookseller, stationer, *d. c.*—Sols. Milne & Co. Temple, and Wood, Manchester. Fiat, April 23.

PRYER Anthony, of Bury St. Edmunds, in the county of Suffolk, innkeeper, brewer, and maltster.—Sols. Wayman & Greene, Bury St. Edmunds, and Walker & Pemberton, Symond's Inn. Fiat, April 21.

SCOTT William, of the city of Bristol, corn-factor, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Savery & Clark, Bristol. Fiat, April 24.

STAMPER William, of Cockermouth, in the county of Cumberland, tin-plate worker, *d. c.*—Sols. Armstrong, Staple Inn, and Beeson, Cockermouth. Fiat, April 18.

SYMONS Margaret, and Janet Symons, of No. 13, Great East-street, Brighton, in the county of Sussex, milliners and dress-makers, *d. c.*—Official assignees, W. Whitmore, Basinghall-street.—Sols. Wagh & Fisher, Great James-street, and Latter, Brighton. Fiat, Apr. 17.

CERTIFICATES TO BE ALLOWED:

April 25.—Gazette, April 4.

Cockburn Alexander, of Carlisle, grocer.
Enock Thomas, and Henry Jacob, of Leicester, grocers and porter merchants.

Farworth Peter, of Salford, millwright, (partner with Thomas Holcroft, Thomas Challinor, and George Holcroft).

DIVIDEND LIST FOR APRIL.

27

Maiben William, of Brighton, coach-maker.
Marshall Thomas, of High-street, Whitechapel, cheesemonger.
Morgan Richard, of Southampton-row, Russell-square, linen-draper.
Richards John, of Morris's-walk, Bridge-street, Southwark, corn and coal measure maker and warehouseman.
Richards Joseph, of Morris's-walk, Bridge-street, Southwark, corn and coal measure maker and warehouseman.
Roberts Samuel, of Hastings, shoe-maker.
Turner Thomas, of Liverpool, merchant, (partner with Daniel Brade and Charles Schwind).
Watling William, of Arabella-row, Pimlico, beer-shop and eating-house keeper.

April 28.—Gazette, April 7.

Adams Richard James, of Chelmsford, cabinet-maker.
Blurton William, of Field Hall, Staffordshire, gent., d. c.
Brereton William John, of Brinton, banker and seed merchant.
Grindon Thomas Evans, of Bristol, tiler.
Pickering John Foster, of Wath, near Rotherham, tallow-chandler and grocer.
Prettyman Robert Suggate, of Regent-street, linen-draper.
Rose Frederick Darley, of Hounslow and Isleworth, and Trinity-place, Charing-cross, builder.
Taylor Thomas, and John Taylor, jun., of Hedon in Holderness, merchants.

May 2.—Gazette, April 11.

Crispin John Samuel, of St. Martin's-court, and of Tottenham-court-road, boot and shoe maker.
Fletcher Alexander, of Redbridge Millbrook, Southampton, auctioneer.
Helliwell William, of Stansfield, Halifax, cotton-spinner, (partner with Thomas Lacy).
Higgs James Brooksbank, and Thomas Gay Ransford, of Manchester, hat-manufacturers.
Kendrick John, of Sidney-alley, and of Leicester-square, printseller and bookseller.
Masters William, of Bath, victualler.
Parker Richard, of Rupert-street, Haymarket, harness-maker.
Peacock James Green, of Alhallow's-lane, oil-merchant.
Walton Jonathan, of Newcastle-upon-Tyne, stationer.
Woodhrop Henry, of Avely, Essex, grocer.

May 5.—Gazette, April 14.

Nelson Thomas, of Hibbington, Hunts, paper-manufacturer.
Scott Octavius, of Margate, boarding-house keeper.
Smith Edward, of Nottingham, baker.
Whicher William, of Chichester, attorney and money-scrivener.

May 9.—Gazette, April 18.

Allday John, of Birmingham, wire-drawer.
Darlington William, of Comberbach, Cheshire, d. c.
Fletcher Samuel, of Great Marlborough-street, goldsmith.
Hall Daniel Walt, of Bristol, glazier.
Johnson William, of the Edgware-road, butcher.
Jones Edward, of Bristol, alkali and soda dealer.
Slack Samuel Hague, of Ardwick, Manchester, surgeon.
Smith John, of Spalding, merchant.
Stringer James, of Northampton, scrivener.
Suffield Joseph, of Leicester, brace-manufacturer and carpet-dealer.
Winsor William, of Dodbrooke, Devonshire, beer-seller.

May 12.—Gazette, April 21.

Barlow Sarah, and Robert Salmon Mulley, of Little Bartholomew-close, stone-masons and builders.
Chisholm John, of Abchurch-lane, copper and dentist.
Farr George, of High Holborn, fringe-manufacturer.
Hopton Joseph, Edwin Wood Peniston, and James Peniston, of Leeds, dyers and stuff-merchants, (partners with Charles Rose).
Jermyn George, of Oxford-street, haberdasher.
Parker William Bush, of Downend, Mangotsfield, scrivener.
Patterson Andrew, of Greenwich, music-vender.
Tubley Alfred, of Church-street, Hackney, grocer and ginger-beer manufacturer.

May 16.—Gazette, April 25.

Bates John, of Long-lane, Bermondsey, furrier.
Benaley Benjamin, of Andover, printer.
Bussell Joseph, jun., of Taunton, tailor.
Clarkson John, of Nottingham, currier.
Collier George, of Wellington, Shropshire, mercer.
Darwin Thomas, of Sheffield, roller-manufacturer, (partner with Samuel Darwin).

Edwards John, jun., of Brighton, grocer.
Fox John, of Bromyard, saddler.
Green James, of Exeter, civil engineer.
Harber Charles, of Croydon, stage-coach proprietor.
Humphreys Charles, of Bear-lane, Christchurch, timber-merchant.
Mould Joseph, of Newgate-street, cheesemonger.
Passey Edward, jun., of St. Michael-in-Bedwardine, dealer in glass.
Robinson George Blakiston, of Cross-lane, St. Mary-at-Hill, coal-factor.
Wilson William, of Newcastle-upon-Tyne, scrivener.

May 19.—Gazette, April 28.

Cooper Thomas, of East Dereham, merchant.
England Louis, of Shepperton-street, New North-road, builder.

DIVIDENDS.

Gazette, April 4.

Date of Fiat.

- 1836, BEALE Thomas, and Henry Dixon Beale, of Birmingham, Warwickshire, saddlers; final div.
- 1837, BRESLEY Thomas, of Faringdon, Berkshire, grocer; div.
- 1836, FOWLER Michael, of Bushey, Herts, cattle-dealer and fruiterer; div.
- 1836, FREEMAN Thomas Weston, of Paradise-street, Birmingham, Warwickshire, grocer; first and final div.
- 1836, MARSHALL Thomas, of No. 97, High-street, Whitechapel, Middlesex, cheesemonger; div.
- 1835, MORRIS John, the elder, and John Morris, the younger, both of the Repository, Upper St. Martin's-lane, Middlesex, auctioneers; final joint div., and final sep. div. of Morris, sen.
- 1836, MOULD Joseph, of No. 43, Newgate-street, London, cheesemonger; div.
- 1832, NEWPORT Henry, late of Bognor, Sussex, wine and spirit merchant and brewer; final div.
- 1836, NICHOLSON Jonathan, of Southampton-court, Holborn, Middlesex, carpet bag manufacturer; final div.
- 1834, PEACOCK Thomas, of Sheldergate, Yorkshire, timber-merchant; final div.
- 1836, SHORTHORSE William, of Leamington Priors, Warwickshire, jeweller; div.
- 1832, SMITH Samuel, late or now of Witney, Oxfordshire, bacon-curer; second and final div.
- 1836, TORY George Pelly, of Exeter, linen-draper; second div.
- 1836, TOWNSEND William, and William Brown, of Chesapeake, London, warehousemen; final div.
- 1837, WEBB Charles George, of Long-lane, Bermondsey, Surrey, woolstapler; div.
- 1836, WILLIAMS William, of Liverpool, Lancashire, and James Jackson, of Hulme, near Manchester, same county, carrying on business together at Liverpool aforesaid, under the firm of Hudson, Williams & Co. as timber-dealers; joint div., and sep. div. of each.
- 1836, WILSON William, of Newcastle-upon-Tyne, scrivener; div.

Gazette, April 7.

- 1832, FULLER Thomas, the elder, Thomas Fuller, the younger, and William Fuller, all of Lewes, and also of Brighton, Sussex, curriers and leather-cutters; fur. div.
- 1836, JOWETT John, and James Mitchell, of Regent-street, Middlesex, linen-draper; joint and sep. diva.
- 1833, LAST Mark, and William Casey, of Great Winchester-street, London, silk-merchants; final div.
- 1837, MAGUIRE Joseph, of Liverpool, Lancashire, merchant; div.
- 1813, REYNOLDS Joseph, late of Idol-lane, Tower-street, London, wine-merchant; final div.
- 1836, SMITH John, late of Spalding, Lincolnshire, corn-merchant; div.
- 1836, TOPHAM George, of Richmond, Surrey, coal-merchant and tavern-keeper; final div.
- 1836, WALLIS John, of Fordington, Dorsetshire, miller; div.

Gazette, April 11.

Date of Fiat.

- 1836, **ABERCROMBIE** Mary Ann, and William Henry Abercrombie, both of Goodge-street, Tottenham-court-road, Middlesex, brass-founders; div.
- 1837, **BARNESLEY** Joshua (ren. fiat), of Manchester, Lancashire, cotton-merchant; final div.
- 1836, **COLES** Charles, the elder, and Charles Coles, the younger, of Great Tower-street, London, West India brokers; joint div., and sep. divs. of each.
- 1829, **DAY** James, of Leeds, Yorkshire, iron-merchant; second and final div.
- 1836, **DICKESON** James Innes, of Fish-street-hill, London, ship-owner and oilman; div.
- 1836, **GREEN** George, of Eagle-street, Red Lion-square, Middlesex, coach-broker and hackneyman; div.
- 1830, **HAWKINS** Jonathan, of the Camberwell New-road, Surrey, builder and victualler; final div.
- 1833, **HOLLINGSWORTH** John, of Kingston-upon-Hull, ship and insurance broker and general commission agent; div.
- 1836, **HOLT** Thomas, and Eli Howard, both of Birtle-cum-Bamford, in Middleton, Lancashire, cotton-spinners and manufacturers; div.
- 1834, **LEWIS** Richard, and James Dutton, both of Wootton-under-Edge, Gloucestershire, clothiers; div.
- 1837, **LONGSDON** David, of Castle-street, Southwark, Surrey, skinner and fur-cutter; div.
- 1836, **MATTHEWS** Edward, of Lad-lane, London, silkman; div.
- 1826, **M'LEOD** John, of Clement's-lane, London, leather-seller; final div.
- 1833, **NEWARK** Henry, and John Toms, of Wood-street, Cheap-side, London, ribbon-manufacturers; final div.
- 1835, **OGILVY** William Frederick, of No. 272, Oxford-street, Middlesex, grocer and oilman; final div.
- 1836, **PERREY** John, of South Molton, Devonshire, ironmonger and plumber; first and final div.
- 1836, **PRICE** Thomas, of No. 5, Margaret-street, Cavendish-square, Middlesex, patent axle-tree maker; div.
- 1836, **PROCTER** James Simpson, of Blue Anchor-road, Bermondsey, Southwark, Surrey, glue-manufacturer and tallow-melter; final div.
- 1836, **ROSE** Robert, of Devises, Wiltshire, cheese-factor; div.
- 1836, **STEVENS** Henry, and Thomas Stevens, of Newington-causeway, Surrey, drapers; joint and sep. divs.
- 1836, **TENNANT** Richard, of the sign of the Sun Dial, No. 47, Goswell-street, St. Luke's, Middlesex, licensed victualler; final div.
- 1830, **WILSON** Richard, late of Scotland-road, in Liverpool, Lancashire, tallow-chandler; div.
- 1836, **WITHERBY** Richard, of Nicholas-lane, London, merchant; div.
- 1833, **WRIGHT** Charles (since renewed), of Dover, Kent, inn-keeper; fur. div.

Gazette, April 14.

- 1836, **ANDERSON** John, of Moulton, Northamptonshire, draper, hosier and grocer; first and final div.
- 1834, **BOOTHROYD** John, of Stayley Bridge, Lancashire, stonemason; final div.
- 1837, **CARRUTHERS** Richard, of Little Thames-street, London, wholesale cheesemonger; div.
- 1836, **CHAPMAN** Charles John, of George-street, Croydon, Surrey, corn-dealer; div.
- 1833, **CLARK** Richard, of Newark-upon-Trent, Nottinghamshire, linen and woollen draper; second and final div.
- 1836, **CONSTANTINE** Thomas, of Blakeley-street, in Manchester Lancashire, joiner and builder; div.
- 1836, **DAVIS** Thomas, of Lisson Grove North, Middlesex, grocer and cheesemonger; final div.

Date of Fiat.

- 1836, **DOUGLAS** Samuel, of Robinhood-lane, Poplar, Middlesex, omnibus proprietor and job master; div.
- 1836, **HAND** William, of Mollleston, Pembrokeshire, coal and culm merchant; div.
- 1836, **HOWARD** Jesse, of Disley, Cheshire, innkeeper; first and final div.
- 1836, **LEVIN** Meyer, and Michael Josephs, of Mansell-street, Goodman's-fields, merchants; final joint div., and final sep. div. of Levin.
- 1836, **PARKINSON** Richard, of Farley, in Calverley, Yorkshire, cloth-manufacturer; first and final div.
- 1837, **M'PHERSON** William Basher, of the Rosemary Branch Tavern, Hoxton, St. Mary, Islington, Middlesex, victualler; div.
- 1834, **RICH** Henry William, of Joiner's Hall-buildings, London, wine and spirit merchant; final div.
- 1829, **SANDERS** John, of Fleet-market, London, licensed victualler; final div.
- 1830, **SCRUTON** William, of the Blacksmith's Arms, Church-lane, St. George's in the East, Middlesex, licensed victualler; final div.
- 1837, **SHOTTON** George, of Lamb's Conduit-street, Middlesex, job-master and livery-stable keeper; div.
- 1836, **SMART** Robert William, late of No. 47, Aldermanbury, London, cloth-factor; div.
- 1836, **SMITH** James, of Goldsmith-street, Wood-street, London, warehouseman; div.
- 1834, **STANLEY** Thomas, of Leeds, Yorkshire, manufacturer; first and final div.
- 1837, **THOMSON** Octavius, of London Wharf, Hackney, Middlesex, coal-merchant; div.
- 1836, **TIDD** John Tinker, and John Mallandaine, late of Marlborough-road, Chelsea, Middlesex, candle-manufacturers; first joint div., and final sep. divs. of each.
- 1831, **VANZELLER** Joseph, late of No. 15, New Broad-street, London, and of York-place, Middlesex, and of Bahia, in the Brasile, and now of No. 33, Great Winchester-street, London, merchant; final div.
- 1832, **WHITBURN** Robert, formerly of Ripley, Surrey, and late of Esher, Surrey, brewer; final div.

Gazette, April 18.

- 1832, **AGLIO** Augustine, of Smedley, near Manchester, Lancashire, d.c.; div.
- 1836, **BIRKS** Thomas Phillips, and George Grundy, now or late of Bury, Lancashire, manufacturers of oil of vitriol; first div.
- 1836, **BROOKS** James William, and Henry Brooks, now or late of Cheltenham, Gloucestershire, common brewers; div.
- 1834, **CARTER** Thomas, of No. 31, Cateaton-street, London; cloth factor; final div.
- 1837, **CLARKSON** John, of Nottingham, currier; div.
- 1835, **COOPER** Samuel, of Bath, grocer; second and final div.
- 1819, **COX** John, and Josiah Morgan, now or late of Gutter-lane, London, wholesale glovers; final sep. div. of Cox.
- 1834, **DODSON** Thomas, of St. Paul's-churchyard, London, needle manufacturer; final div.
- 1830, **GROVES** Thomas, of Thames Bank, Chelsea, Middlesex, and of Martin's-lane, London, white lead manufacturer; final div.
- 1829, **HAWKINS** Otto Jacob George, of Tufley House, near Gloucester, boarding and lodging house keeper; div.
- 1836, **LACY** Thomas, and William Helliwell, both of Standsfield, in Halifax, Yorkshire, cotton-spinners; joint div., and sep. div. of Helliwell.
- 1836, **LOCK** Henry, of Bracondale, Norwich, millwright, builder, and engineer; div.
- 1836, **PONTIN** Stephen, of No. 45, Tottenham-court-road, Middlesex, builder and fishmonger; div.
- 1834, **PROSSER** Thomas, of Coleshill, Warwickshire, draper and grocer; final div.

Date of Fiat.

- 1834, SHEPHERD William, of Harrop Green, within Saddleworth, Yorkshire, merchant and woollen-manufacturer; div.
 1836, STOTT George Louis, of Bristol, soda and Epsom salt manufacturer and chemist; first and final div.
 1836, WOOTTON Thomas, of Wimeswold, Leicestershire, and Edward Wootton, of Derby, horse-dealers; first and final div.

Gazette, April 21.

- 1835, BIRD John Molyneux, of Liverpool, Lancashire, chemist and druggist, oil and colourman; fur. div.
 1835, BRIGHTON Thomas Woodhouse, of Cheltenham, Gloucestershire, draper and upholder, (late carrying on business in partnership with John Nicholson, under the firm of Nicholson & Brighton); first and final joint div. of Nicholson & Brighton.
 1835, BROOKS James, of Great Yarmouth, Norfolk, grocer; final div.
 1834, CASE Henry, late of Fore-street, London, grocer and tea-dealer; final div.
 1836, ENOCK Thomas, and Henry Jacob, of Leicester, grocers, tea-dealers, and porter-merchants; div.
 1834, HALLILEY Edward, of Leeds, Yorkshire, cloth-merchant; div.
 1837, LADYMAN Thomas, of Liverpool, Lancashire, ironmonger; fur. and final div.
 1837, MASSETT Joseph Swartz, of Angel-court, Throgmorton-street, London, stock-broker; div.
 1834, M'INTOSH Hugh, of Cambridge, tailor; final div.
 1836, NICOLL James Enderaley, and John Warburton, of Liverpool, Lancashire, tailors and drapers; joint div.
 1834, PRICE Ronald, of Stockwell-street, Greenwich, Kent, grocer and tea-dealer; final div.
 1836, ROBBINS John, of Portsea, Southampton, woollen-draper and hatter; first and final div.
 1833, SHEA James, of Plymouth, Devonshire, watch-maker and jeweller; third and final div.
 1833, SHEEN Henry, of Leicester, grocer; final div.
 1836, SMITH Henry, of Ledbury, Herefordshire, grocer; final div.

Gazette, April 25.

- 1837, BEAN Charles, of Long-acre, Middlesex, coach-maker; div.
 1836, BOWEN Alfred Platoff Hatton, of Bristol, druggist, oil and colourman; first and final div.
 1836, CLARKE Thomas William, of Horncastle, Lincolnshire, inn-keeper and victualler; div.
 1836, COLLINGS William, and Thomas Maingy, late of Bishopa-street Within, London, merchants; also Charles Campbell, (whose bankruptcy has been incorporated with Collings & Maingy) of Bishopsgate-street, London, merchant; final joint div., and final sep. div. of Campbell.
 1830, FRISBY Richard Miles, of Mark-lane, London, wine and spirit merchant; final div.
 1836, GODBER George, of Liverpool, Lancashire, woollen-draper; div.
 1835, HALL Thomas, of Hulland, Derbyshire, lime-burner; div.
 1836, HEBBLEWHITE John, of Kingston-upon-Hull, woollen-draper; fur. div.
 1825, HOBSON Stephen, and Oliver Marshall, of the Crescent, Minories, London, corn-factors; final div.

Date of Fiat.

- 1837, LAING John, of Great Tower-street, London, cork-cutter; div.
 1836, LAY Benjamin, of Colchester, Essex, carpenter and builder; div.
 1832, MABERLY John, of Bread-street, Cheapside, London, and also of John-street, Berkeley-square, Middlesex, banker; div.
 1830, MARTINDALE Richard, of Brabant-court, Philpot-lane, London, broker and wine-merchant; final div.
 1833, MORRIS John, of Regent-street, in All Saints, Poplar, Middlesex, carpenter and builder; final div.
 1836, NEWSTEAD William, of Thetford, Norfolk, grocer and draper; div.
 1836, SPARROW John Johnson, of Chesterton, Cambridgeshire, victualler; final div.
 1836, VINOR Thomas, the younger, of Sheffield, Yorkshire, coach-builder; first and final div.
 1831, WRIGLEY Robert, of Rochdale, Lancashire, corn-dealer and miller; final div.
 1833, YOUNG James, Thomas Bracken, George Ballard, James Charles Colebrooke Sutherland, and Nathaniel Alexander, lately carrying on business in partnership together, at Calcutta, in the East Indies, under the firm of Alexander & Co., as merchants, bankers, and agents; div.

Gazette, April 28.

- 1836, BENNETT John, of Three Tun-passage, Newgate-street, London, bookseller; div.
 1831, BRYANT Edwin, of George-yard, Lombard-street, London, merchant; div.
 1837, COCKBURN Alexander, of Carlisle, grocer; div.
 1835, COLE William, and Henry Goodman, both of Northampton, tailors and drapers; final div.
 1834, EADS James, and William Brearley, of Birmingham, Warwickshire, chemists; final div.
 1836, EVANS Daniel, of Oswestry, Salop, saddler and harness-maker; div.
 1836, GOLDSWORTHY John, of Great St. Helena, Bishopsgate, London, and of Lower Hampstead Heath, Middlesex, coal-merchant; div.
 1837, JAUNCEY Charles, of the Sponend, in Bishop's Froome, Herefordshire, cattle-dealer and farmer; div.
 1836, KEENAN Christopher, of Berwick-upon-Tweed, linen-draper; final div.
 1836, KELLY John, of Cambridge, draper and grocer; final div.
 1836, KINGSFORD William (renewed fiat), of Buckland, near Dover, Kent, paper-manufacturer and miller; fur. div.
 1836, MANN Robert Bagshaw, of No. 38, Parliament-street, Westminster, linen-draper, silk-merc, haberdasher, and hosier; final div.
 1830, MARTINDALE Richard, of Brabant-court, Philpot-lane, London, broker and wine-merchant; final div.
 1837, ROUGIER Pierre Marie Auguste, of Wood-street, Spitalfields, Middlesex, silk-manufacturer; div.
 1836, ROUT Richard Clark, of Southampton-buildings, Holborn, Middlesex, tailor; div.
 1824, WITHAM Robert, of Halifax, Yorkshire, banker; first and final div.
 1836, WORTH Frederick Henry, of St. John's-row, Shrewsbury, Salop, coach-builder; div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF MAY, 1837.

BANKRUPTS.

London Gazette, Tuesday, May 2, 1837.

BANKRUPTCY SUPERSEDED.

HOLDSWORTH Henry, and Alfred Knight, of Halifax, and London-wall, worsted-spinners.

TOWN AND COUNTRY FIATS.

CLIVE David, of Birmingham, in the county of Warwick, victualler and gun-barrel borer.—Sols. Gatty, Red Lion-square, and Creswell, Birmingham. Fiat, April 28.

FERMOR Edward, of the town and port of Hastings, in the county of Sussex, brewer, *d. c.* (lately carrying on business in partnership with Thomas James Breeds, of the same place, brewer).—Official assignee, Pennell, Basinghall-street.—Sol. Gregson, Angel-court, Throgmorton-street. Fiat, April 28.

FRANCIS Francis Gittins, of Adam's-court, Old Broad-street, in the city of London, wine-merchant, late of George-yard, Lombard-street, in the city of London, wine-merchant, *d. c.* (formerly in partnership with Thomas Ullock and Henry Lancaster, of Cross-lane, St. Mary-at-hill, in the city of London, wine and spirit merchants, under the firm of Ullock, Lancaster, & Francis, and afterwards in partnership with the said Thomas Ullock, Henry Lancaster, and William Thomson, of Cross-lane aforesaid, wine and spirit merchants, under the firm of Ullock & Co.)—Official assignee, T. M. Alsager, Birch-in-lane.—Sol. Myatt, Birch-in-lane. Fiat, April 28.

HAWORTH John, of Rawtenstall, in the parish of Whalley, in the county of Lancaster, plumber and glazier and grocer.—Sols. Smith, Chancery-lane, and Shuttleworth & Co. Rochdale. Fiat, April 25.

KINSEY Simon, of Badwell Ash, in the county of Suffolk, innkeeper, *d. c.*—Sols. Hawkins & Co. New Boswell-court, and Golding & King, Walsham-le-Willows, Suffolk. Fiat, April 8.

LOOSEMORE John, of Tiverton, in the county of Devon, scrivener.—Sols. Hellings, Tiverton, and Beetham, Chatham-place, Blackfriars. Fiat, April 24.

MANNING John, of Leamington Priors, in the county of Warwick, builder, *d. c.*—Sols. Haynes & Moore, Warwick, and Parkes & Son, South-square, Gray's Inn. Fiat, April 3.

M'DIARMID James, of King-street, New North-road, Islington, in the county of Middlesex, baker, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Oldershaws, Tokenhouse-yard. Fiat, April 22.

MORGAN Hugh, of the town of Builth, in the county of Brecon, farmer, innholder, and butcher.—Sols. Bicknell & Co. Lincoln's Inn-fields, and Vaughan & Bevan, Brecon. Fiat, April 21.

MOSS John, of Haslingden, in the parish of Whalley, in the county of Lancaster, William Barrington, of Rope, near Nantwich, in the county of Chester, and Joseph Moss, of Wrenbury, near Nantwich aforesaid, carrying on business together in copartnership at Carr Mill, in Haslingden aforesaid, as cotton-spinners and manufacturers, *d. c.* (under the firm of John Moss & Co.)—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, April 12.

PALMER William Burton, of Birmingham, in the county of Warwick, and also of Northfield, in the county of Worcester, draper, button and military ornament manufacturer, *d. c.*—Sols. Harrison, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, April 18.

PATZEKER Edward, of the town and county of Poole, timber-merchant, *d. c.*—Sols. Parr, Poole, and Holme & Co. New Inn. Fiat, April 28.

ROACH Thomas, of Manchester, in the county of Lancaster, linen-draper, *d. c.*—Sols. Bower & Back, Chancery-lane, and Owen & Gild, Manchester. Fiat, April 17.

d. c. dealer and chapman.

SANDELL Edward Charles, of the city of Oxford, apothecary.—Sols. Matthews, Oxford, and White & Borrett, Frederick's-place. Fiat, April 25.

SMALLWOOD Thomas, the younger, of Newport, in the county of Salop, scrivener, *d. c.*—Sol. Westmacott, South-square, Gray's Inn. Fiat, April 22.

WILSON William, of Manchester, in the county of Lancaster, small-ware manufacturer, *d. c.*—Sols. Foster, Manchester, and Lake & Waldron, Basinghall-street. Fiat, April 1.

Gazette, Friday, May 5.

TOWN AND COUNTRY FIATS.

ABSALOM Charles, of Bartholomew-street, in Newbury, in the county of Berks, grocer, *d. c.*—Sols. Pinniger, Newbury, and Lawrence, Salisbury. Fiat, April 22.

ARNOULD Joseph, of No. 17, King William-street, West Strand, in the county of Middlesex, bookseller, *d. c.*—Sols. Bowden & Co. Aldermanbury, and Acton, Elm-court, Temple. Fiat, May 1.

BROOKS William Forman, of Liverpool, in the county of Lancaster, merchant, *d. c.* (carrying on trade under the firm of W. F. Brooks & Co.)—Sols. Higson & Son, Manchester, and Johnson & Co. Temple. Fiat, April 25.

BROWN William, of Leeds, in the county of York, worsted-spinner, *d. c.*—Sols. Strangways & Walker, Barnard's Inn, and Blackburn, Leeds. Fiat, April 27.

BUCHANAN Benjamin, and David Laird, of Liverpool, in the county of Lancaster, merchants, (carrying on business in partnership with George Dennistoun and Robert Laird, both of the city of New York, merchants, at Liverpool aforesaid, under the firm of Buchanan, Laird, & Co., and at Glasgow, under the firm of David Laird & Co.)—Sols. Taylor & Co. Bedford-row, and Lowndes & Robinson, Liverpool. Fiat, May 1.

DAVIES William, of Queen-street, May-fair, in the county of Middlesex, tailor.—Official assignee, G. Gibson, Basinghall-street.—Sol. Bell, Craven-street, Strand. Fiat, April 29.

DENEULAIN John Joseph Dominique, of No. 18, Leicester-square, in the parish of St. Martin in the Fields, in the county of Middlesex, lodging-house keeper and hotel keeper.—Official assignee, Johnson, Basinghall-street.—Sols. Allen & Co. Carriage-street. Fiat, April 29.

GOFF John, of Liverpool, in the county of Lancaster, grocer, *d. c.*—Sols. Cross, Liverpool, and Blackstock & Co. Temple. Fiat, April 29.

GOUGH Edward Hilditch, late of Dalston Rise, Hackney, in the county of Middlesex, dealer in wood.—Official assignee, W. Turgand, Copthall-buildings.—Sol. Ashley, Shoreditch. Fiat, May 1.

HARRISON James, of No. 23, Charlotte-street, and of Alum-street, both in Manchester, in the county of Lancaster, commission agent, cotton-manufacturer, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Miller, Duke-street, St. James's. Fiat, May 1.

HARRISON William, of No. 28, St. John's-square, Clerkenwell, in the county of Middlesex, goldsmith and jeweller, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Smith, Tokenhouse-yard. Fiat, May 3.

HORSFALL John, of Leeds, in the county of York, stuff dyer and merchant, *d. c.*—Sols. Strangways & Walker, Barnard's Inn, and Blackburn, Leeds. Fiat, May 2.

KENYON Richard, of Cloughton, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Cornthwaite, Dean's-court, Doctor's Commons, and Bray, Preston. Fiat, April 27.

LEES Abraham Hilton, of Bilston, in the county of Stafford, iron-master, tallow-chandler, *d. c.*—Sols. Harrison, Birmingham, and Newton & Ensor, Gray's Inn. Fiat, April 19.

RAMSBOTHAM Joseph, and Edward Ramsbotham, of Chew Moor, within Lostock, in the county of Lancaster, cotton-spinners, *d. c.*—Sols. Mayhew & Johnston, Carey-street, and Blackhurst & Wilcock, Haslingden. Fiat, April 24.

RENDER John, of Knarborough, in the county of York, innkeeper, flax-dresser, *d. c.*—Sols. Hawkins & Co. New Boswell-court, and Gill & Dewes, Knarborough. Fiat, April 8.

SMITH William, of Leatherhead, in the county of Surrey, innkeeper, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Pontifex, St. Andrew's-court, Holborn. Fiat, May 4.

TAYLER John, of Holborn, in the county of Middlesex, carpet-dealer, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Lambert & Co. John-street, Bedford-row, and Smith, Tokenhouse-yard. Fiat, April 21.

WALKER Peter, of Hindley, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, Rich-ton, Preston, and Blackhurst & Son, Preston. Fiat, April 27.

WRAY Martin Osterfield, of Holborn-hill, in the county of Middlesex, chemist and druggist.—Official assignee, D. Cannan, Sambrook-court.—Sols. Phillips & Conquest, Sise-lane. Fiat, May 2.

Gazette, Tuesday, May 9.

BANKRUPTCY ENLARGED.

POWELL George Hinckley, of Hay, Breconshire, grocer.

BANKRUPTCY SUPERSEDED.

WILES William, jun., of York-row, Kennington-road, pawnbroker, and of St. Neots, corn-dealer and maltster.

TOWN AND COUNTRY FIATS.

BARKER Daniel, of No. 69, Queen-street, Cheapside, in the city of London, grocer and oilman.—Official assignee, G. Green, Aldermanbury.—Sol. Smith, King's Arms-yard. Fiat, May 5.

BROWN John, and William Henry Williams, of Birmingham, in the county of Warwick, paper-colourers and stainers, *d. c.*—Sols. Harrison, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, May 4.

CRAMPTON Joshua, of Tong, in the parish of Birstal, in the county of York, scribbling miller, *d. c.*—Sols. Hardwick & Davidson, Lawrence-lane, and Lees, Leeds. Fiat, April 7.

FISHER John, of Liverpool, in the county of Lancaster, publican, *d. c.*—Sols. Ward, Prescott, and Oliver, Cheapside. Fiat, April 18.

FRYER James Parkins, of St. Michael's-alley, Cornhill, in the city of London, tavern-keeper and victualler.—Official assignee, G. Lackington, Basinghall-street.—Sol. Duncan, Lincoln's Inn-fields. Fiat, May 5.

GOLLEDGE John, the younger, of Frome Selwood, in the county of Somerset, carrier and leather-cutter, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Miller, Frome Selwood. Fiat, April 19.

HAYLEY Richard Henry, of Manchester, in the county of Lancaster, grocer, shopkeeper, *d. c.*—Sols. Johnson & Co. Temple, and Hitchcock, Manchester. Fiat, May 1.

HEAWORD Joseph, of Stockport, in the county of Chester, cotton-thread manufacturer, *d. c.*—Sols. Bower & Back, Chancery-lane, and Harrop, Stockport. Fiat, April 29.

LUMLEY Matthew, of Scriven with Tentergate, in the county of York, flax-dresser, *d. c.*—Sols. Strangways & Walker, Barnard's Inn, and Gill, and Dewes, Knarborough. Fiat, April 17.

MARTIN Thomas, late of the Pavement, Moorfields, in the city of London, victualler.—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Dimmock, Bond-court, Walbrook. Fiat, April 27.

MILLS William, of Little Britain, in the city of London, builder, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Jorden & Webb, High-street, Southwark. Fiat, May 5.

MITCHELL John, of the city of Exeter, victualler, *d. c.*—Sols. Rhodes & Co. Chancery-lane, and Drake, Exeter. Fiat, April 21.

NEALES John Renham, of Plymouth, in the county of Devon, hatter, *d. c.*—Sols. Woolcombe & Jago, Plymouth, and Lane & Prideaux, Goldsmith's Hall, London. Fiat, May 3.

POYNTON John, late of No. 92, Guildford-street, Russell-square, and last of No. 28, Wilmington-square, both in the county of Middlesex, money-scrivener, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Bird, Lincoln's Inn-fields. Fiat, May 5.

ROBINSON Joshua, of Melbury-terrace, Dorset-square, St. Mary-lebone, in the county of Middlesex, painter and glazier, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Howell, Hatton-garden. Fiat, May 5.

RUDMAN Joel, of the city of Bath, in the county of Somerset, fruiterer, *d. c.*—Sols. Dax & Bicknell, Lincoln's Inn-fields, and Drake, Bath. Fiat, April 28.

SANDERSON Henry Smith, of Tadcaster, in the county of York, scrivener, *d. c.*—Sols. Capes, Raymond-buildings, and Marsden & Janson, Wakefield. Fiat, May 1.

SMITH John, of Birmingham, in the county of Warwick, gilt toy and buckle maker, *d. c.*—Sols. Harrison, Birmingham, Norton & Chaplin, Gray's Inn-square, and Danks, Birmingham. Fiat, May 1.

WHITEHEAD Samuel, and Robert Rowe, of Chorley, in the county of Lancaster, cotton-spinners and cotton-manufacturers.—Sols. Milne & Co. Temple, and Neville & Eccles, Blackburn. Fiat, May 1.

WILLIAMS John, of Bangor, in the county of Carnarvon, draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, April 20.

Gazette, Friday, May 12.

BANKRUPTCY SUPERSEDED.

STIRLING John, of Conduit-street, silk-mercier.

TOWN AND COUNTRY FIATS.

ANDREW Joseph, late of the Crown public-house, Lad-lane, in the city of London, and now residing at No. 18, Guildford-street East, Wilmington-square, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, J. Clarke, St. Swithin's-lane.—Sols. Martineau & Co. Carey-street. Fiat, May 3.

ARNOLD Robert, of Nuneaton, in the county of Warwick, draper, *d. c.*—Sols. Herons, Manchester, and Johnson & Co. Temple. Fiat, April 20.

BETTS Robert, of Alford, in the county of Lincoln, wool-merchant, *d. c.*—Sols. Scott, Lincoln's Inn-fields, and Bourne & Son, Alford. Fiat, April 27.

BINNEY Mordecai, late of Manchester, in the county of Lancaster, corn-dealer, (but now a prisoner for debt in the King's Bench prison, London).—Sols. Bower & Back, Chancery-lane, and Owen & Gill, Manchester. Fiat, May 6.

DRURY Thomas Russell, of Johnson's-court, Fleet-street, in the city of London, printer, *d. c.*—Official assignee, T. M. Alsager, Birch-in-lane.—Sol. Willoughby, Clifford's Inn. Fiat, May 9.

EAST George, and George Phillips Vincent, of the parish of Aston, near Birmingham, in the county of Warwick, glass-makers and co-partners, *d. c.*—Sols. Adlington & Co. Bedford-row, and Wills, Birmingham. Fiat, March 9.

EDMONDSON William, of Liverpool, in the county of Lancaster, brush-maker, *d. c.*—Sols. Chester, Staple Inn, and Fowler, Liverpool. Fiat, April 27.

EMANUEL Joseph, of Birmingham, in the county of Warwick, jeweller, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Lefevre, Birmingham. Fiat, May 5.

EVANS John Richard, of the town of Carmarthen, in the county of Carmarthen, in South Wales, linen and woollen draper, *d. c.*—Sols. Makinson & Sanders, Temple, and Atkinson & Co. Manchester. Fiat, May 4.

EVANS Thomas, of Mortimer-street, Cavendish-square, in the county of Middlesex, apothecary and chemist, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Hoggard, New Inn. Fiat, May 9.

FOSTER John, of No. 3, Lincoln's Inn-fields, and of Pitt's Head-mews, Park-lane, both in the county of Middlesex, horse-dealer, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Christmas, Gray's Inn-square. Fiat, May 9.

HALL Samuel Carter, of Elm Grove House, Kensington, in the county of Middlesex, bookseller, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sols. Lythgoe & Martin, Essex-street. Fiat, May 4.

HARDIE Herbert, of Manchester, in the county of Lancaster, merchant and commission agent, *d. c.* (surviving partner of James Hardie, deceased).—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, May 6.

HIAM James, of Temple Balsall, in the county of Warwick, farmer, coal-dealer, builder, *d. c.*—Sols. Parkes & Son, Gray's Inn, and Harding, Birmingham. Fiat, May 2.

HODGETTS William, of Birmingham, in the county of Warwick, bookseller, *d. c.*—Sols. Battye & Co. Chancery-lane, and Webb & Dolphin, Birmingham. Fiat, April 29.

HORSFALL John, of the city of Coventry, maltster and victualler, *d. c.*—Sols. Weeks & Gilbertson, Cook's-court, Serle-street, and Carter & Dewes, Coventry. Fiat, May 2.

MAGNAY Daniel, of Wakefield, in the county of York, hotel-keeper. —Sols. Adlington & Co. Bedford-row, and Taylor, Wakefield. Fiat, April 14.

MICKLE George, of the town and county of the town of Newcastle-upon-Tyne, merchant, *d. c.*—Sols. Meggison & Co. King's-road, and Brockett & Phillipson, Newcastle. Fiat, May 8.

NOAKES Joseph Elias, of Robertbridge, in the county of Sussex, innkeeper, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Burfoots, Temple, and Scoones & Alleyne, Tonbridge. Fiat, May 4.

PARKYN James, of the borough of Devonport, in the county of Devon, linen-draper, *d. c.*—Sols. Surr, Lombard-street, and Elworthy, Devonport. Fiat, May 5.

PAUL John, formerly of Newport, in the Isle of Wight, in the county of Southampton, corn-merchant and miller, lately of No. 37, Mincing-lane, in the city of London, commission agent and factor, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Baylis, Basinghall-street. Fiat, May 10.

STEAINS Henry, of Bunhill-row, in the county of Middlesex, grocer and tea-dealer, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sols. Hindmarsh & Son, Crescent, Jewin-street. Fiat, May 8.

VINEY William, of the town of Tiverton, in the county of Devon, carrier, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Savery & Clark, Bristol. Fiat, April 11.

Gazette, Tuesday, May 16.

BANKRUPTCY ENLARGED.

CROFTS Richard, of Coventry, ribbon-manufacturer.

TOWN AND COUNTRY FIATS.

ADDISON James William, of No. 19, Kingsland-place, South Front, Southampton, in the county of Hants, provision agent, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Bartrum & Son, Old Broad-street. Fiat, May 1.

BUSSEY Robert, of Leeds, in the county of York, plasterer, beer retailer, *d. c.*—Sols. Barr & Co. Leeds, and Fidley, Serjeants' Inn. Fiat, May 9.

CALVERT Charles, of Manchester, in the county of Lancaster, picture dealer, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, May 11.

CARLISLE John, of Liverpool, in the county of Lancaster, stone-mason, builder, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Toulmin, Liverpool. Fiat, May 9.

DUNN Arthur, of George-row, City-road, in the county of Middlesex, chemical manufacturer.—Official assignee, Johnson, Basinghall-street.—Sols. Bell & Co. Bow-church-lane. Fiat, May 13.

GOODALL Henry, of Rathbone-place, Oxford-street, in the county of Middlesex, upholsterer, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Hepburn, Copthall-court. Fiat, May 11.

HARRISON James, of Manchester, in the county of Lancaster, solicitor, money-scrivener, *d. c.*—Sols. Cuvelje, Southampton-buildings, and Rowley & Taylor, Manchester. Fiat, May 8.

HUGHES Richard, of Adde-street, in the city of London, and late of Lime-street, in the city of London, licensed victualler, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Sandell, Bread-street. Fiat, May 13.

KELLY John, of Merthyr Tydfil, in the county of Glamorgan, and of Tredegar, in the county of Monmouth, grocer, shopkeeper, *d. c.*—Sols. Harmer, Bristol, and Bicknell & Co. Lincoln's Inn-fields. Fiat, April 18.

LAMBLEY James Booth, of the city of Bristol, wine and spirit dealer, liquor merchant, *d. c.*—Sols. Hare & Little, and Gillard & Flook, Bristol, and Bridges & Mason, Red Lion-square. Fiat, April 27.

LUMLEY George, and William Brown, both of Knaresborough, in the county of York, flax-spinners, *d. c.* (carrying on trade under the firm of Lumley & Brown).—Sols. Battye & Co. Chancery-lane, and Dewes, Knaresborough, and Gill, same place. Fiat, May 6.

MALITT Joseph, of Abergavenny, in the county of Monmouth, tailor, *d. c.*—Official assignee, James Clark, St. Swithin's-lane.—Sol. Walker, Southampton-street, Bloomsbury-square. Fiat, May 12.

PEARSON Samuel, of Knaresborough, in the county of York, innkeeper, *d. c.*—Sols. Hawkias & Co. New Boswell-court, Gill, Knaresborough, and Dewes, same place. Fiat, April 27.

PERRY William, of the city of Bath, in the county of Somerset, victualler, *d. c.*—Sols. Dax & Bicknell, Lincoln's Inn-fields, and Drake, Bath. Fiat, April 29.

SANGROUBER Marc Louis, of Gerrard-street, in the parish of St. Ann, Westminster, in the county of Middlesex, tailor, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sols. Richardson & Pike, Golden-square. Fiat, May 13.

STATON John, of No. 10, Charing-cross, in the county of Middlesex, boot-maker, *d. c.*—Official assignee, T. M. Alager, Birch-lane.—Sol. Burt, Aldermanbury. Fiat, May 13.

WHITE Thomas, of Manchester, in the county of Lancaster, innkeeper, *d. c.*—Sols. Adlington & Co. Bedford-row, and Hart, Manchester. Fiat, May 9.

WILLIAMS John Pownall, of East Stonehouse, in the county of Devon, draper, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sols. Ashurst & Gainsford, Cheapside. Fiat, May 12.

WILSON John, of Lawrence-lane, in the city of London, woolen-warehouseman, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Turner & Hensman, Basing-lane. Fiat, May 15.

WRIGHT James Thomas, and Nathan Hackney, lately carrying on business, at Burslem, in the county of Stafford, earthenware manufacturers and copartners.—Sols. Dyneley & Co. Gray's Inn, and Harding, Burslem. Fiat, May 8.

Gazette, Friday, May 19.

TOWN AND COUNTRY FIATS.

ADAMS Jonathan, of Banbury, in the county of Oxford, innkeeper, *d. c.*—Sols. Golby & Co. Banbury, and Cox, Lincoln's Inn-fields. Fiat, April 26.

ASKEW John, of Liverpool, in the county of Lancaster, and of Egremont, in the township of Liscard, and parish of Wallasey, in the county of Chester, hotel-keeper, *d. c.*—Sols. Dean, Essex-street, and Peacock, Liverpool. Fiat, May 11.

GLOVER Benjamin, of Liverpool, in the county of Lancaster, dyer, *d. c.*—Sols. Grocott, Liverpool, Holden, Liverpool, and Walmsley & Co. Chancery-lane. Fiat, May 5.

GOUGH Thomas, of the parish of Minchinhampton, in the county of Gloucester, cloth-dealer, *d. c.*—Sols. Baylis, Basinghall-street, and Winterbotham & Thomas, Tewkesbury. Fiat, May 6.

HOUGH George, of Bradford, in the county of York, ironmonger, victualler, *d. c.*—Sols. Woodhouse & Co. Temple, and Stott, Leeds. Fiat, April 29.

LYON James, of the borough of the city of Bristol, merchant, *d. c.*—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, May 11.

NEWTON James, of Bilterne, in the parish of South Stoneham, in the county of Hants, builder, *d. c.*—Sols. Walker, Southampton-street, Bloomsbury, and Deacon, Southampton. Fiat, May 13.

PITTS William, of Great and Little Hampton, near Evesham, in the county of Worcester, miller, *d. c.*—Sols. Johnson & Co. Temple, and Seddon & Co. Manchester. Fiat, May 3.

ROSS Alexander Glendenning, of Bradford, in the county of York, wool-merchant, *d. c.*—Sols. Hawkins & Co. New Boswell-court, and Wells, Bradford. Fiat, April 23.

SAUNDERS Joseph, of the parish of Watford, in the county of Hertford, butcher.—Official assignee, W. Whitmore, Basinghall-street.—Sols. Sanger, Essex-court, Temple, and Cowley & Soe, Watford. Fiat, May 16.

SUGDEN William Henry, of Leeds, in the county of York, linen-draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, May 13.

TAYLOR Edmund, of Liverpool, in the county of Lancaster, colour manufacturer and drysalter, *d. c.* (carrying on business under the firm of James Taylor, Son, & Co.)—Sols. Chester, Staple Inn, and Davenport, Liverpool. Fiat, May 9.

TURNER Thomas, of Otley, in the county of York, currier and leather-cutter, *d. c.*—Sols. Battye & Co. Chancery-lane, and Raynar & Bradley, Leeds. Fiat, May 9.

VALE Arthur Theophilus Kinsey, of Bromyard, in the county of Hereford, linen-draper, hosier, *d. c.*—Official assignee, G. Lackington, Basinghall-street.—Sol. Warne, Leadenhall-street. Fiat, May 16.

VIGERS Thomas, of No. 2, George-place, Acre-lane, Brixton, in the county of Surrey, and late of No. 291, Strand, in the county of Middlesex, brass-founder, gas-fitter, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sols. Fisher & De Jersey, Aldersgate-street. Fiat, May 10.

WARWICK William Sidney, and Thomas William Clagett, of Billiter-square, in the city of London, merchants.—Official assignee, W. Whitmore, Basinghall-street.—Sols. Freshfield & Sons, New Bank-buildings. Fiat, May 12.

WOOLISON John, of Leamington Priors, in the county of Warwick, plumber and glazier, *d. c.*—Sols. Haynes & Moore, Warwick, and Taylor & Co. Bedford-row. Fiat, April 20.

WOOD Robert, of Rochdale, in the county of Lancaster, money-scrivener and cotton-spinner, *d. c.* (late in partnership with James Heyes, as a cotton-spinner, and trading under the firm of Heyes & Wood).—Sols. Norris & Allen, Bartlett's-buildings, and Heaton, Rochdale. Fiat, May 12.

Gazette, Tuesday, May 23.

BANKRUPTCY SUPERSEDED.

KING Joseph, of Liverpool-street, plumber.

TOWN AND COUNTRY FIATS.

BARKER Edward, of the city of Exeter, druggist, *d. c.*—Sols. Ked-dell & Baker, Fenchurch-street, and Stogdon, Exeter. Fiat, May 13.

BARROW Samuel, of Stockport, in the county of Chester, corn-dealer, *d. c.*—Sols. Coppock; Cleveland-row, and Coppock & Wool-lam, Stockport. Fiat, April 20.

BECKETT Thomas, of Norbury, in the parish of Marbury, in the county of Chester, cheese-factor, *d. c.*—Sols. Blackstock & Co. Temple, and Harper & Jones, Whitechurch. Fiat, April 28.

BENTON Samuel, of Fore-street, in the city of London, linen-draper, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sol. Jones, Sise-lane. Fiat, May 17.

BURFIELD Thomas James Breeds, and Charles Burfield, the younger, of Hastings, in the county of Sussex, brewers, and coal, porter, and timber merchants, *d. c.* (carrying on business at Hastings aforesaid, under the firm of James Breeds & Co., and in which firm Thomas James Breeds and Charles Burfield, the elder, are already adjudged and declared bankrupts, who were two other members of the same partnership).—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Hindmarsh & Son, Crescent, Jewin-street. Fiat, May 19.

BUTLER William, of Portland-place, Market-street, Clerkenwell, in the county of Middlesex, builder, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Sandell, Bread-street. Fiat, May 20.

CANNON Robert, of Southampton-row, in the county of Middlesex, job-master and livery-stable keeper, *d. c.* (late of the firm of Cannon & Tatnell, of the same place, job-masters and livery-stable keepers).—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Clutton & Fearon, High-street, Southwark, and Fig-tree-court, Temple. Fiat, May 20.

DEAN William, and Joseph Dean, both of Birmingham, in the county of Warwick, timber-merchants, copartners, *d. c.*—Sols. Smith, New Boswell-court, and Greatwood, Birmingham. Fiat, May 19.

ELLIOTT Charles, of Leeds, in the county of York, tallow-merchant, *d. c.*—Sols. Hicks & Marria, Gray's Inn-square, and Holden, Hull. Fiat, May 16.

GITTON Thomas, of Bridgnorth, in the county of Salop, scrivener, *d. c.*—Sols. Vickers, Bridgnorth, and Philpot & Son, Southampton-street, Bloomsbury. Fiat, May 11.

GREGSON Thomas, of Burnley, in the county of Lancaster, cotton-manufacturer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Claye & Thompson, Manchester. Fiat, May 15.

HALE William, of the city of Oxford, corn-factor, *d. c.*—Sols. Robinson & Co. Charterhouse-square, and Dudley & Co. Oxford. Fiat, May 18.

HARDY Robert, late of the town or borough of Kingston-upon-Hull, victualler, *d. c.*—Sols. England & Shackles, Hull, and Rosser & Son, Gray's Inn. Fiat, May 13.

HAUGHTON John, of Park-place, in Blackburn, in the county of Lancaster, cotton-spinner and manufacturer, *d. c.* (trading under the firm of John Haughton & Co.)—Sols. Makinson & Sanders, Elm-court, Temple, and Atkinson & Co. Manchester. Fiat, April 24.

HUDSON John, of the county of the city of Gloucester, coal-merchant, *d. c.*—Sols. Washbourn, Gloucester, and White & Whitmore, Bedford-row. Fiat, May 17.

JOHNSON Michael, of Leeds, in the county of York, tailor and draper, *d. c.*—Sols. Battye & Co. Chancery-lane, and Hargreaves, Leeds. Fiat, May 16.

JONES William, of Chorley, in the county of Lancaster, draper, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, May 20.

MAWDSLEY Richard, Josiah Greaves, and John Moore, all of Manchester, dyers, *d. c.* and copartners (carrying on business under the firm of Mawdsley, Greaves & Company).—Sols. Kay & Co. Manchester, and Bower & Back, Chancery-lane. Fiat, May 16.

MAYBURY William, late of Manchester, in the county of Lancaster, but now of Trieste, in the kingdom of Austria, merchant, commission-agent, *d. c.*—Sols. Chester, Staple Inn, and Davenport, Liverpool. Fiat, May 9.

OLLERENSHAW Edward, the elder, of Manchester, in the county of Lancaster, and of Red Cross-street, in the borough of Southwark, in the county of Surrey, cotton-spinner and hatter, *d. c.* (carrying on business in Manchester aforesaid, as a cotton-spinner, hat-manufacturer, and vender of hats by wholesale, and in Red Cross-street aforesaid, as vender of hats).—Sols. Hampson, Manchester, and Adlington & Co. Bedford-row. Fiat, May 16.

OLIVER Jesse, of Dumb Mill, near Bradford, in the county of York, corn-miller, *d. c.*—Sols. Smith & Dunn, Southampton-buildings, and Dunning & Kenyon, Leeds. Fiat, May 10.

PALMER Thomas, of Upper Porchester-street, Edgware-road, in the county of Middlesex, commission-agent, *d. c.*—Sols. Holme & Loftus, New Inn, and Parker & Lowe, Birmingham. Fiat, May 17.

PARKER Thomas, formerly of Fleet-street, in the city of London, afterwards of Berners-street, Oxford-street, in the county of Middlesex, and late of Great Russell-street, Bloomsbury-square, in the same county, gold and silversmith, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. White & Co. Frederick's-place, and Worship & Son, Great Yarmouth. Fiat, May 17.

READ Edward, of Laxford, in the county of Suffolk, cordwainer, *d. c.*—Sols. Lofly & Potter, Cheapside, and Churchyard & Co. Wood-bridge. Fiat, May 12.

SIDEBOTTOM Alfred, of Two Bridges, in the county of Lancaster, calico-printer and manufacturer, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, May 11.

SMITH William Henry, of Bootle, near Liverpool, in the county of Lancaster, brewer, *d. c.*—Sols. Crossley & Sudlow, Manchester, Holden, Liverpool, and Walmsley & Co. Chancery-lane. Fiat, April 24.

THRELFALL John, of Preston, in the county of Lancaster, currier, leather-dealer, *d. c.*—Sols. Bower & Back, Chancery-lane, and Walton & Greenwood, Preston. Fiat, May 13.

WALLIS William Henry, (usually called Henry Wallis), of No. 13, Cardington-street, Hampstead-road, in the county of Middlesex, engraver, and dealer in drawings and prints.—Official assignee, G. Gibson, Basinghall-street.—Sol. Corner, Dean-street, Borough. Fiat, May 22.

Gazette, Friday, May 26.

TOWN AND COUNTRY FIATS.

CRIPPS William, of Newport Pagnell, in the county of Buckingham, merchant, *d. c.* (carrying on business there under the firm of William Cripps & Company, and at New York, in the United States of America, under the firm of Cripps & Wyeth).—Official assignee, G. Green, Aldermanbury.—Sols. Ashurst & Gainsford, Cheapside. Fiat, May 22.

ELWORTHY Henry John Rice, of East Stonehouse, in the county of Devon, bill-broker, money-scrivener, *d. c.*—Sols. Surr, Lombard-street, and Marshall, Plymouth. *Fiat*, May 13.

GIBBS Frederick Forman, of Liverpool, in the county of Lancaster, ship-broker, *d. c.*—Sols. Wyche & Howard, Leadenhall-street, and Howard & Wyche, Liverpool. *Fiat*, May 16.

GRAY James William, of the city of Exeter, lead and glass merchant, *d. c.*—Sols. Anderton & Scott, New Bridge-street, and Head, Exeter. *Fiat*, May 17.

HARWOOD Paul, of the city of York, ironmonger, *d. c.*—Sols. Williamson & Hill, Verulam-buildings, Richardson & Gold, York, and Pearson, York. *Fiat*, May 20.

JOPLIN John, of Bishop Wearmouth, in the county of Durham, linen and woollen-draper, *d. c.*—Sols. Wilson, Gray's Inn, and Wilson, Manchester. *Fiat*, April 27.

KURTZ Charles, of Salford, in the county of Lancaster, manufacturing chemist, *d. c.* (carrying on trade under the firm of Charles Kurtz & Co.)—Sols. Milne & Co. Temple, and Kaye & Darbishire, Manchester. *Fiat*, May 17.

PEIRSON Samuel, of the Broadway, Hammersmith, in the county of Middlesex, oil and colourman, *d. c.*—Official assignee, T. M. Alsager, Birchinn-lane.—Sols. Oldershaws, Tokenhouse-yard. *Fiat*, May 24.

RIMER Charles Thomas, of the town and county of the town of Southampton, provision-merchant, *d. c.*—Sols. Randall & Eldridge, Southampton, and Makinson & Sanders, Temple. *Fiat*, April 27.

RUSHER James, of Leeds, in the county of York, commission-agent, *d. c.*—Sols. Turner & Hensman, Basing-lane, and Stott, Leeds. *Fiat*, April 29.

SILK James, of Kidderminster, in the county of Worcester, carpet manufacturer, *d. c.*—Sols. Michael, Red Lion-square, and Bird & Saunders, Kidderminster. *Fiat*, May 16.

SINCLAIR Edward, late of Monkseaton, in the county of Northumberland, but now of North Shields, in the same county, common brewer, *d. c.*—Sols. Bell & Co. Bow-churchyard, and Young, Newcastle. *Fiat*, May 2.

SMITH William, of Cuckfield, in the county of Sussex, coach-master, horse-dealer, and corn-dealer, *d. c.*—Sols. Robertson, Cuckfield, and Robertson, New Inn. *Fiat*, May 23.

TAYLOR William, of Stand-lane, in the parish of Prestwich-cum-Oldham, in the county of Lancaster, dyer, shopkeeper, *d. c.*—Sols. Kay & Co. Manchester. *Fiat*, May 22.

TOMKINS Gregory James Sarmon, of Leamington Priors, in the county of Warwick, scrivener, *d. c.*—Sols. Bedford, Calthorpe-street, and Bedford & Pidcock, Worcester. *Fiat*, May 4.

WALLIS John, of the city of Coventry, victualler, *d. c.*—Sols. Weeks & Gilbertson, Cook's-court, Lincoln's Inn, and Carter & Dewes, Coventry. *Fiat*, May 5.

Gazette, Tuesday, May 30.

BANKRUPTCY SUPERSEDED.

COURTNEY Robert Lynham, of Walsall, ironmonger, grocer, and auctioneer.

TOWN AND COUNTRY FIATS.

ANDERTON John, of Bradford, in the county of York, dyer, *d. c.*—Sols. Hawkins & Co. New Boswell-court, and Moulden & Ridehalgh, Bradford. *Fiat*, May 18.

ARMITAGE William, of Sowerby Bridge, in the parish of Halifax, in the county of York, and also of Bradley Mills, near Huddersfield, in the said county, dyer, *d. c.*—Sols. Jaques & Co. Ely-place, and Battye & Clay, Huddersfield. *Fiat*, May 19.

BEATTY John, of Over Darwen, in the county of Lancaster, linen-draper, and of Afon Wen, in the county of Flint, paper-maker, *d. c.*—Sols. Mayhew & Johnston, Carey-street, and Backhouse, Blackburn. *Fiat*, May 19.

BUTTERWORTH Joseph Horatio, of Manchester, in the county of Lancaster, and of Lunbrook, in the county of York, and of Gutter-lane, in the city of London, dyer and stuff merchant, *d. c.* (trading under the firm of Joseph Butterworth & Co.)—Sols. Hardwick & Davidson, Lawrence-lane, and Lees, Leeds. *Fiat*, May 4.

CARR Thomas, and William Hartley Carr, of Dewsbury Moor, in the parish of Dewsbury, in the county of York, woollen-manufacturers, *d. c.* (now or heretofore carrying on business in copartnership together, under the firm of John Carr & Sons).—Sols. Van Sandau, Old Jewry, and Jacob & Co. Huddersfield. *Fiat*, May 18.

CONDON John, late of Birmingham, in the county of Warwick, but now of Bedford-row, in the county of Middlesex, brickmaker, *d. c.*—Sols. Thorndike, Staple Inn, and Wheeler, Birmingham. *Fiat*, May 23.

DOBBIE Andrew, of Manchester, in the county of Lancaster, publican, spirit-dealer, *d. c.*—Sols. Bower & Back, Chancery-lane, and Heath, Manchester. *Fiat*, May 21.

FOSTER Charles, of Kingsbury, in the county of Middlesex, bill-broker, *d. c.*—Official assignee, Goldamid, Ironmonger-lane.—Sol. Stovin, Lincoln's Inn-fields. *Fiat*, May 29.

HAM William, of No. 36, Upper North-place, Gray's Inn-road, in the county of Middlesex, livery-stable keeper, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sol. Chamberlayne, Quality-court. *Fiat*, May 25.

HUGHES Maria Ann, of Birmingham, in the county of Warwick, ironmonger, *d. c.*—Sols. Austen & Hobson, Raymond-buildings, and Arnold & Haines, Birmingham. *Fiat*, May 23.

JONES William, of Wolverhampton, in the county of Stafford, builder and carpenter, *d. c.*—Sols. Rickards & Walker, Lincoln's Inn-fields, and Foster, Wolverhampton. *Fiat*, May 30.

JORDISON Robert, of Stockton, in the county of Durham, grocer, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Wilson & Faber, Stockton. *Fiat*, May 16.

LARGE John, of Great Queen-street, Lincoln's Inn-fields, in the county of Middlesex, coach-maker, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Rogers, Manchester-buildings, Westminster. *Fiat*, May 26.

LEWIS Joseph, of the village of Conwill Elvet, in the county of Carmarthen, draper, *d. c.*—Sols. Morris & Jones, Carmarthen, and Chilton, Chancery-lane. *Fiat*, May 23.

MARTIN Henry, of Woolhampton, in the county of Berks, tailor and draper, *d. c.*—Sols. Robertson, New Inn, and Street, Reading. *Fiat*, May 24.

NOADES Charles, of Leeds, in the county of York, tailor and draper, *d. c.*—Sols. Woodhouse & Co. Temple, and Stott, Leeds. *Fiat*, May 22.

ORANGE James, of the town and county of the town of Nottingham, lace-manufacturer, *d. c.*—Sols. Payne, Nottingham, and Taylor & Co. Great James-street. *Fiat*, May 12.

STEVENS George, of Wolverhampton, in the county of Stafford, grocer, *d. c.*—Sols. Brown, Shifnal, and Williamson & Hill, Verulam-buildings. *Fiat*, May 9.

TAPSCOTT Samuel Loveless, lately of Minehead, in the county of Somerset, and lately carrying on the trade or business of a coal and lime merchant, *d. c.* but who hath since removed to, and is now residing in, the island of Guernsey.—Sols. Blake & Boyle, Clement's Inn, and Leigh & Warden, Bardon, near Taunton. *Fiat*, May 14.

TATE William, of Chorley, in the county of Lancaster, cotton-manufacturer, *d. c.*—Sols. Johnson & Co. Temple, and Bagshaw & Co. Manchester. *Fiat*, May 13.

CERTIFICATES TO BE ALLOWED:

May 23.—Gazette, May 2.

Baxter Mary, of Cambridge, livery-stable keeper.

Bettridge Joseph, of Birmingham, silversmith.

Fowler Matthias, of Lymington, wine-merchant.

Gate William, of Carlisle, timber-merchant.

Harlow Lamock, of Hulme, builder.

Kent Samuel, of Russell-court, Drury-lane, victualler.

Molteno James Anthony, of Pall Mall, printseller.

Naylor Robert, of Liggate, Yorkshire, cotton-spinner.

Shorthose William, of Leamington Priors, jeweller.

Smith Joseph, of Masbrough, grocer, miller, meal and flour seller.

Southern John, of Manchester, wine and spirit dealer.

Warner Robert William, of Broad-court, Drury-lane, tavern-keeper.

May 26.—Gazette, May 5.

Collins John, of South-row, New-road, *d. c.*

Combes George, of Chichester, brewer.

Coupland Edmund, and Frederick Duncan, of Liverpool, merchant

and factors.

Dickeson James Innes, of Fish-street-hill, ship-owner and oilman.

Frances Edmund, of Lewisham, baker.

Housman William, of New Sarum, scrivener.

Lashmar John, of Brighton, merchant.

Merriman Ann Hughes, of Leadenhall-street, and Piccadilly, trunk

and packing case maker.

Rice Simon Peter, and Philip Rice, of Addle-street, warehousemen, and of the Pavement, Finsbury, drapers.

May 30.—Gazette, May 9.

Armitage Joseph, and James Greenwood, of Clayton and Northowram, Yorkshire, stuff-manufacturers.
Brearley John, John Samuel Wood, and Joseph Wood, of Wellfield Mills, near Rochdale, corn-millers.
Brotherton William, of Liverpool-street, saddler.
Godber George, of Liverpool, woollen-draper.
Hearle George Willa, of Devonport, printer and stationer.
Hyde Joseph Cornelius, of Iver Heath, mealman.
Jacob Charles, and Richard Davis Jacob, of George-yard, Lombard-street, merchants and ship-owners.
Wescott Thomas, of St. Leonard, Devonshire, paper-maker.

June 2.—Gazette, May 12.

Cooper Robert, of Bristol, jeweller.
Dover Philip Edmund, of Great Russell-street, upholsterer.
Hamilton John, of Liverpool, merchant.
Joel Joel Coleman, of Bishopsgate-churchyard, upholsterer.
Jones Charles Tyrwhitt, of Pitt's Head-mews, Park-lane, horse-dealer.
Morgan Thomas, of Great Trinity-lane, carpenter.
Shipman John, of Nottingham, grocer.
Symonds Samuel, of Basinghall-street, Blackwell-hall factor and warehouseman.

June 6.—Gazette, May 16.

Douglas Samuel, of Robin Hood-lane, Poplar, omnibus proprietor and job master.
Frankland James, of Liverpool, merchant and broker.
Gough William, of Wem, tanner.

June 9.—Gazette, May 19.

Armstrong Thomas, and Nicholas Armstrong, of Caldcotes, near Carlisle, tanners.
Belt Robert, of Newcastle, merchant.
Bowker John, sen., of Salford, dyer.
Fowler Thomas, of Basingstoke, victualler.
Lenten Richard, of Bath, stationer.
Procter William Nelson, of Manchester, cotton-dealer and spinner, (partner with Philip Shaw Hyatt).
Walton Samuel, of Nantwich, linen-draper.
Wigginton Thomas, of Sheerness, jeweller.
Wright William, of Harrington, near Liverpool, tavern-keeper.

June 13.—Gazette, May 23.

Barnett John, of Stourport, Severn carrier and wharfinger.
Gardner John, of Gloucester, smoke-jack maker and whitesmith.
Gillett Robert, sen., of Princes-road, Lambeth, flour-factor and coal-merchant.
Wheeler John Hall, of Hoxton-square, baker.
Williamson Richard, of Derby, saddler.
Wilson Henry, of Duke-street, Southwark, grocer.

June 16.—Gazette, May 26.

Bradley Edmund Bick, of Nine Elms, maltster.
Halloran George Stewart, of Belfast, merchant.
Hind Thomas, of Nottingham, lace-manufacturer, (partner with Charles Clayton).
Kay Samuel, of Heaton Norris, victualler.
Norman Samuel, of Princes-street, Leicester-square, silversmith.
Prosser Thomas, of Coleshill, draper.
Tozer John Edmonds, of Milk-street, wholesale hostler.
Webb Joseph Dudley, of Fleet-street, dealer in lamps.

June 20.—Gazette, May 30.

Ahrenfield Jacob, of Liverpool, merchant.
Crofts Richard, of Coventry, ribbon-manufacturer.
Core Thomas, of Clayton Mill, near Manchester, flax-spinner.
Larris William, sen., of Stoke Priors, Worcestershire, miller, (partner with Benjamin Harris).
Larris Solomon, of Wardour-street, timber-merchant.
Lill Leonard, of Fleet-street, shopkeeper.
Parshall James, of Coventry, ribbon-manufacturer.
Polyneux Thomas, of Falmouth, linen-draper.
Reid John Hope, of Motley Bank, near Altringham, brewer.
Reedy Thomas, and William Freedy, of Oxford, grocers.
Sayer John, of High-street, Shadwell, cheesemonger.
Webb Thomas, of Pilgleney, Monmouthshire, coal-merchant, (partner with William Pritchard and Zephaniah Williams).

DIVIDENDS.

Gazette, May 2.

Date of Fiat.

1827, CHADWICK John, of Smallbridge, near Rochdale, Lancashire, dyer; div.
1836, CHARTERS John, of Manchester, Lancashire, joiner and builder; div.
1836, GIBB William, of Liverpool, Lancashire, soap-manufacturer; div.
1836, HALL Henry, of South Shields, Durham, ironmonger; first and final div.
1836, LAWTON George, of York, d. c.; div.
1836, MAIBEN William, of No. 12, Princes-street, Brighton, Sussex, coach-maker; first and final div.
1836, ORLIDGE Daniel Day, of Bristol, wine-merchant; fur. div.
1836, PERKINS Henry Peirce, of Enfield, Middlesex, ironmonger; div.
1836, SMITH John, of Chesterfield, Derbyshire, innkeeper and victualler; div.
1809, WORLEY Isaac, the younger, late of Fish-street-hill, London, linen-draper; final div.

Gazette, May 5.

1836, ABERCROMBIE Mary Ann, and William Henry Abercrombie, both of Goodge-street, Tottenham-court-road, Middlesex, brass-founders; sep. divs. of each.
1834, ADE Michael, and Francis Berger, of Lime-street, London, merchants; final div.
1835, ALLPORT James, of Stourbridge, Worcestershire, upholsterer and cabinet-maker; fur. div.
1837, ARMSTRONG Joseph, of Newcastle-upon-Tyne, common brewer, soda water and lemonade manufacturer; div.
1835, ASHWORTH Andrew, late of Haslingden, Lancashire, woollen manufacturer; second and final div.
1837, BAKER James, of Melbourne, Cambridgehire, grocer; div.
1835, CAIRNS William, of High-street, Whitechapel, Middlesex, saddler and harness maker; final div.
1836, CLARKE John, and George Wood, of Prestwich, near Manchester, Lancashire, dyers and bleachers; final sep. div. of Clarke, and final joint div.
1837, EVANS Hugh, of Paddington, near Warrington, Lancashire, soap-boiler and manufacturer; div.
1836, ELLIOTT James, of Derby, carrier; div.
1837, GALE William, of Brighton, Sussex, victualler and stable keeper; first and final div.
1837, GEACH William, the elder, and William Geach, the younger, of Polman, in Lantegloss, by Fowey, Cornwall, shipwrights; div.
1836, HALL Edward Parton, of Charterhouse-street, London, plumber; div.
1837, HARTLEY Joseph, of Stickney, Lincolnshire, victualler; div.
1836, MILNS Alexander, of Rochdale, Lancashire, dyer; div.
1836, M'MASTER John, of Manchester, Lancashire, draper; div.
1836, ROLLING Robert, of No. 39, Watling-street, and of No. 29, Ludgate-hill, both in London, cheesemonger; div.
1820, ROSCOE William, John Clarke, and William Stanley Roscoe, all of Liverpool, Lancashire, late bankers; fur. div.
1835, SHEPHERD Aquila, and James Shepherd, both of Huddersfield, Yorkshire, merchants; div.
1837, SPARROW Frederick, and Robert Sparrow, of No. 8, Ludgate-hill, London, wine-merchants; joint and sep. divs.
1837, SWAN Hugh, the younger, of Littlehampton, Sussex, grocer and draper; div.
1811, WALSH Benjamin, late of Hackney, Middlesex, broker and scrivener; div.
1835, WHITE William, of Kingston-upon-Hull, grocer; fur. and final div.

Gazette, May 9.

1835, ANDREWS Harry, of Bristol, paper-hanger; final div.
1837, BEENY Samuel, of Birmingham, Warwickshire, draper and mercer; div.

Date of Fiat.

- 1836, BERRIE Charles James, of Tamworth, Warwickshire and Staffordshire, grocer and tea-dealer; final div.
- 1835, CARTER Alfred, of Wenlock Basin, City-road, Middlesex, iron-merchant; final div.
- 1836, CHEESEWRIGHT John, of Bristol, stationer and bookseller; second and final div.
- 1833, COTTER James, and John Cotter, both of Toxteth Park, Lancashire, joiners and builders; second div.
- 1837, GREENFIELD Thomas, of the Roebuck Tavern, Chiswick, Middlesex, victualler; div.
- 1833, HOLLINGWORTH John, of Kingston-upon-Hull, ship and insurance broker, and general commission agent; div.
- 1835, JONES Henry, and William Thomas Halton, of High-street, Islington, Middlesex, furnishing undertakers; final divs.
- 1836, LEGGE Matthew Robinson, of King James's-street, in Gateshead, Durham, common brewer and maltster; div.
- 1831, MANNING William, Frederick Manning, and John Lavicount Anderdon, of New Bank-buildings, London, West India merchants; final div.
- 1828, NAYLOR Robert, of Ligate, Yorkshire, cotton-spinner and manufacturer; div.
- 1836, NETTLETON William, of George-street, Hanover-square, Middlesex, tailor; div.
- 1829, SANDERS John, of Fleet-market, London, licensed victualler; final div.
- 1837, SPRADBROW James William, of Newington, near Sittingbourne, Kent, linen-draper and grocer; final div.
- 1836, TAYLOR James Buckley, of the sign of the Robinhood and Little John, Deptford, Kent, victualler; div.
- 1837, WHEELER Thomas, of Shrewsbury, Salop, grocer; first and final div.
- 1836, WILLIAMSON Thomas, of Newcastle-upon-Tyne, draper; div.

Gazette, May 12.

- 1821, BEESTON James, of Drayton-in-Hales, Salop, mercer; fur and final div.
- 1836, BULL William, of Wilstead-street, Somers-town, Middlesex, corn-dealer; final div.
- 1831, BUTT William, of Sheerness, Kent, linen-draper; final div.
- 1831, CLARK John James, and Adam Clark, of Market Raisin, Lincolnshire, drapers; final div.
- 1835, COLLINGWOOD Thomas, late of Abingdon, Berkshire, corn-dealer; div.
- 1835, EVELEIGH Joseph Savory, and William Eveleigh, of Union-street, Southwark, Surrey, hatters; first div.
- 1835, FLIGHT Charles, of St. James's-street, Middlesex, tailor; fur. div.
- 1815, GREAVES Alexander, now or late of Queen-street, Cheapside, London, merchant; final div.
- 1835, GREEN George, and Anna Lynn, of Golden-lane, Barbican, leather-sellers and saddlers' ironmongers; final div.
- 1837, GREENHILL Henry, of Philpot-lane, London, and of High-street, Gravesend, Kent, tea-dealer and grocer; div.
- 1828, HIRST Henry, the elder, of Northallerton, Yorkshire, d. c.; div.
- 1835, NEVIN John, of Seven Oaks, Kent, ironmonger; final div.
- 1837, PARRY David, of Pontypool, Monmouthshire, victualler, brewer, and shoemaker; first and final div.
- 1835, PENRICE Joseph, and Matthew Andrew, of Old Change, London, warehousemen; final div.
- 1837, TIMMINS James Willis, of Westbromwich, Staffordshire, nail-factor; div.
- 1835, TURLEY James, of Bradley New Ironworks, Bliston, Staffordshire, ironmaster; fur. div.

Gazette, May 16.

- 1836, ASPINALL Richard, late of Ramsbottom, Lancashire, cotton-spinner; div.
- 1837, BINGHAM Nathaniel, of No. 42, Old Bond-street, Middlesex, surgeon and apothecary; div.

Date of Fiat.

- 1835, BOND John Culcope, and William Bond, of Birmingham, Warwickshire, factors; final joint div., and final sep. div. of J. C. Bond.
- 1837, BRIGGS Samuel Manton, of Barnet, Herts, plumber, painter, and glazier; div.
- 1837, BURKE John, of Golden-lane, St. Luke's, and of Camden-row, Bethnal-green, Middlesex, soap-maker and tallow-chandler; div.
- 1837, BURN Edward, of St. Helen's-place, London, merchant and commission-agent; div.
- 1836, CADNEY Henry Ormerod, of Halifax, Yorkshire, corn-dealer; div.
- 1834, DAVIES Richard, of Noble-street, London, straw-hat and ostrich-feather manufacturer; final div.
- 1836, DAVIS Daniel, of No. 37, Aylesbury-street, Clerkenwell, Middlesex, oilman and tallow-chandler; div.
- 1837, DE BURGH William, of Bishopsgate-street Without, London, licensed victualler; div.
- 1836, DENBY William, of Manchester, Lancashire, and of Heywood, near Bury, Lancashire, fustian manufacturer; div.
- 1836, DUMBRELL Charles, of Brighton, Sussex, grocer; first and final div.
- 1835, GIBSON James (ren. fiat), of Northwich, Cheshire, victualler; div.
- 1836, HODSON Christopher, Thomas Hodson, and John Wolfenden, of Well-o'-th'-lane Mill, Rochdale, Lancashire, cotton-spinners; div.
- 1817, JACKSON Thomas, of Wath-upon-Deane, Yorkshire, gross and tallow-chandler; fur. and final div.
- 1837, JOHNSON Edmund (ren. fiat), of Lostock Gt. Gt. Cheshire, tanner; div.
- 1837, JOHNSON William (ren. fiat), of Wincham, Cheshire, tanner; div.
- 1831, LEA John, of Braunston, Northamptonshire, coal-merchant; final div.
- 1836, LEVERS Israel, of Manchester, Lancashire, corn-dealer; div.
- 1836, LEVICK James, of Sheffield, Yorkshire, ivory-merchant; div.
- 1829, LIVERSIDE Stephen, of Masbrough, in Rotherham, Yorkshire, iron-founder and sail-cloth manufacturer; final div.
- 1836, LOMAS Isaac, now or late of Sheffield, Yorkshire, grocer and flour-seller; div.
- 1836, LUCK Thomas, of Lad-lane, London, dealer in lace and importer of French blond; first and final div.
- 1832, MANN James Henry, of Charles-street, St. James's-square, Westminster, scrivener and broker; final div.
- 1836, MORRIS Josiah, of Brighton, Sussex, silk-mercator; final div.
- 1833, PILKINGTON Joseph, of Manchester, Lancashire, merchant; div.
- 1831, POPE Christopher, of the out parish of St. Philip and Jacob, Gloucestershire, near Bristol, copper, zinc, brass-wire, and iron hoop manufacturer; fur. div.
- 1836, WALTON Jervia, of Ash Grove Mill, in Southwram, in Halifax, Yorkshire, cloth-dresser and frizer; first and final div.
- 1836, WELCH Thomas, and John Sells, both of New Islington, in Ancoats, Manchester, Lancashire, cotton-spinners and manufacturers; first div.
- 1835, WOOD Charles, the elder, and Charles Wood, the younger, of Poppin's-court, Fleet-street, London, printers; final div.
- 1836, WRIGHT John, jun., and George Lockwood, both of No. 5, Trinity-square, London, coal-factors; sep. divs.

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- 1811, BROCK William, and Benjamin Le Mesurier, of Warrford-court, Throgmorton-street, London, merchants; final div.
- 1837, CHANDLER Thomas, late of Wood-street, Cheapside, London, and also late of City-terrace, City-road, Middlesex, warehouseman; final div.
- 1837, COUNT Thomas, of Colchester, Essex, wine-merchant; div.
- 1837, CRISPIN John Samuel, of St. Martin's-court, St. Martin's-in-the-Fields, Middlesex, and of Tottenham-court-road, same county, boot and shoe maker; div.

DIVIDEND LIST FOR MAY.

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Date of Fiat.

- 1835, DANIEL Jeremiah, of Bath, Somersetshire, coal, wood, and timber merchant; first and final div.
- 1836, DEVLIN Richard, and James Peoples, of Liverpool, Lancashire, woollen-drappers and tailors; div.
- 1834, DICKINSON George, and John Richard James, of Ealing, Middlesex, surgeon and apothecary, man-midwife and druggist; final div.
- 1837, FLETCHER Alexander, of Redbridge, in Millbrook, Southampton, auctioneer and broker; div.
- 1837, JONES Edward, of Lewin's Mead, Bristol, alkali and soda dealer; div.
- 1835, JONES George, of Leicester-street, Leicester-square, St. Anne, Soho, Westminster, auctioneer and picture-dealer; final div.
- 1834, KENDRICK John, of Sidney-alley, and of No. 54, Leicester-square, Middlesex, printseller and bookseller; final div.
- 1832, KEYTE Stephen, of No. 15, Minories, London, oil and colourman; final div.
- 1837, KING William, of Vauxhall Brewery, South Lambeth, Surrey, common brewer; div.
- 1837, LENTON Richard, of Bath, Somersetshire, stationer; div.
- 1834, RICHTER Adolphus, of Soho-square, Middlesex, bookseller; div.
- 1828, ROBERTSON Colin, Duncan Davidson Milligan, and Robert Milligan Dalzell, all late of Fenchurch-street, and now of Lime-street-square, both in London, merchants; final joint div., and final sep. div. of Robertson.
- 1830, RYAN Thomas Taylor, late of New York, America, but now of Pitfield-street, Hoxton, Middlesex, merchant; final div.

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- 1837, BARTELOT William Augustus, of Regent-street, Middlesex, perfumer; final div.
- 1833, BREEDS Boykett, of Hastings, Sussex, lime-burner, and porter-merchant; final div.
- 1837, BRYANT Edwin, of George-yard, Lombard-street, London, merchant, (late carrying on business there in copartnership with Stephenson Atkin Bryant, of Sidney, New South Wales, under the firm of Bryant, Brothers); joint div.
- 1835, CLAXTON Robert, of Norwich, tailor and draper; div.
- 1836, CROFT William, of Preston, Lancashire, plumber and glazier; div.
- 1837, DELLIER Desire, of Berners-street, Oxford-street, Middlesex, upholsterer; div.
- 1834, DRAYTON John, and Charles Drayton, of St. John-street, Clerkenwell, Middlesex, woollen-drappers; final div.
- 1835, FARBROTHER Edmund, of Merton-street, Oxford, wine-merchant; final div.
- 1832, HARRISON Samuel, and William Bristow, of Old Brompton, Middlesex, nurseryman and seedsman; final div.
- 1833, HENDERSON Arthur, of Wallingford, Berkshire, linen-draper; final div.
- 1837, LONGSTAFF William, and William Henry Longstaff, of Bury-street, St. James's, Middlesex, tailors; div.
- 1812, MACKENZIE Andrew John, and Henry Roper, of Cross-street, Finsbury, Middlesex, merchants and corn-factors; final div.
- 1833, MANNERINGS John, of Chatham, Kent, builder; final div.
- 1837, PASSEY Samuel, of Moor-street, Birmingham, Warwickshire, stationer; final div.
- 1837, PERRY William, of Stourbridge, Worcestershire, grocer and tea-dealer; div.
- 1836, SMITH Matthew, of St. James's-street, Liverpool, Lancashire, druggist; div.
- 1837, WEST Joseph, of High-street, Shoreditch, Middlesex, grocer; div.

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- 1834, BROWN Humphrey, John Henry Bradley, and Benjamin Harris, of Gloucester, and of Birmingham, Warwickshire, merchants; fur. joint div., and sep. divs. of Brown & Bradley.
- 1837, DICKS Timothy, of Greenwich, Kent, corn-dealer; div.

Date of Fiat.

- 1837, FORDHAM Thomas, of Leadenhall-market, London, poulterer, salesman, and commission-agent; div.
- 1836, HEWLINGS Jacob, of Lawrence-hill, Bristol, currier; div.
- 1835, LOCK Samuel, and Henry Binney, of Berners-street, Oxford-street, Middlesex, dyers; final div.
- 1836, NEWTON Henry, of No. 234, Regent-street, Middlesex, silk-mercer and haberdasher; div.
- 1816, PANTER William, late of Mansell-street, Goodman's-fields, Middlesex, and of St. Dunstan's-hill, London, broker; final div.
- 1837, ROBINSON George Blakiston, of Cross-lane, St. Mary-at-Hill, London, coal-factor; div.
- 1837, UNSWORTH William, of Derby, silk-lace manufacturer; div.

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- 1837, ALLNUTT Zachary, of Wycombe, Buckinghamshire, paper-manufacturer; final div.
- 1836, ASTLEY Peter, of Wood-street, Cheapside, London, woollen-warehouseman; final div.
- 1837, BAKER Charles, of Merton Mills, Wimbledon, and of Vine-street, Lambeth, both in Surrey, and also of Monksleigh, near Hadleigh, Suffolk, miller; div.
- 1836, BIRKS Thomas Phillips, and George Grundy, now or late of Bury, Lancashire, manufacturers of oil of vitriol; first and final sep. div. of Birks.
- 1835, BISHTON John, Edward Kempson, William John Jellicorse, and William Callum, of the Capponfield Ironworks, near Wolverhampton, Staffordshire, ironmasters; first sep. div. of Bishton.
- 1837, BOULTER William, of High-street, Worcester, tobacconist; div.
- 1837, BRICKELL John Langford, formerly of the Anchor Tavern, St. Mary at Hill, London, licensed victualler, afterwards of Tottenham-court-road, Middlesex, pawnbroker, and late of Hackney-road, Middlesex, oil-manufacturer; div.
- 1837, COOPER John, of Hanover-street, Hanover-square, Middlesex, painter and glazier; div.
- 1835, DANIELL Thomas, formerly of Trelissick, Cornwall, afterwards of Bath, since of Michaelchurch-court, Herefordshire, and now or late residing at Boulogne, in France, copper-smelter; div.
- 1836, DARBYSHIRE Edward, and Michael Barlow, of Manchester, Lancashire, power-loom-cloth manufacturers; sep. div. of Darbyshire.
- 1836, ELDRIDGE Charles, of Brighton, Sussex, builder; first and final div.
- 1835, FOSTER John Butcher, of Lower-road, Islington, Middlesex, brick-maker, and of Bayswater, same county, publican; div.
- 1826, HURST Thomas, John Hurst, and Joseph Ogle Robinson, all of Waterloo-place, Pall-mall, Middlesex, booksellers, printsellers, and publishers; final sep. divs. of J. Hurst and T. Hurst.
- 1837, JOYCE Francis, of High-street, Southampton, Hants, book-seller; div.
- 1836, MARSHALL James, of Coventry, ribbon-manufacturer; first and final div.
- 1835, MASON Frederick John, of No. 444, West Strand, St. Martin in the Fields, Middlesex, bookseller; div.
- 1826, NEAL Thomas, the elder, Edward Neal, and Thomas Neal, the younger, of Wootton-under-Edge, Gloucestershire, clothiers and Blackwell-hall factors; final div.
- 1832, SHEPHERD Henry John, of Beverley, Yorkshire, d. c.; div.
- 1826, SUTTON Henry, late of Brighton, Sussex, surgeon and apothecary; div.
- 1837, TULLEY Alfred, of Church-street, Hackney, Middlesex, grocer and ginger-beer manufacturer; div.
- 1837, WALL Thomas Edward, late of Dudbridge Wharf, Stonehouse, Gloucestershire, coal-dealer, but now of Stroud, said county, coal-dealer and spirit-merchant; div.
- 1836, WALSH Thomas, of Bath, Somersetshire, linen-draper; fur. div.
- 1836, WIGGINTON Thomas, late of Sheerness, Kent, jeweller; div.
- 1829, WRIGHT Joseph, and John Davies, both of Liverpool, Lancashire, wholesale grocers; sep. div. of Davies.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF JUNE, 1837.

BANKRUPTS.

London Gazette, Friday, June 2, 1837.

BANKRUPTCY SUPERSEDED.

VESTRIS Eliza Lucy, of Prince's-court, Storey's-gate, book and music seller.

TOWN AND COUNTRY FIATS.

BATT William, of Birmingham, in the county of Warwick, hosier, haberdasher, and pattern-card maker, *d. c.*—Sols. Holme & Loftus, New Inn, and Parker & Lowe, Birmingham. Fiat, May 23.

BATES Thomas, and John Bates, of Leicester, in the county of Leicester, trimmers and dyers, and copartners, *d. c.*—Sols. Toller, Gray's Inn-square, Wason & Whittington, Bristol, and Toller, Leicester. Fiat, May 19.

BRANDSTROM John Peter, and William Joseph Thompson, both of the town of Kingston-upon-Hull, carrying on business there, and at Great Grimaby, in the county of Lincoln, under the firm of Brandstrom, Thompson, and Company, as commission merchants, *d. c.* and copartners in trade.—Sols. Butterfield, Gray's Inn-square, and Ayre & Saxelbye, Hull. Fiat, May 16.

BUTTERWORTH Joseph, of Manchester, in the county of Lancaster, of Lunbrook, in the county of York, and of Gutter-lane, in the city of London, dyer and stuff-merchant, *d. c.* (trading under the firm of Butterworth & Company).—Sols. Hardwick & Davidson, Lawrence-lane, and Lees, Leeds. Fiat, May 4.

COX William, late of Leigh, in the county of Worcester, baker, *d. c.*—Sols. Hutchinson & Dryden, Lincoln's Inn-fields, and Copeman, Worcester. Fiat, May 27.

ENGLAND John, of Knaresborough, in the county of York, flax-dresser, *d. c.*—Sols. Johnson & Co. Temple, and Taylor, Knaresborough. Fiat, May 23.

HEAWORD Joseph, of Binksway, within Heaton Norris, in the county of Lancaster, cotton-manufacturer, *d. c.*—Sols. Lace & Co. Liverpool, and Taylor & Co. Bedford-row. Fiat, May 18.

JONES Richard, of Llanidloes, in the county of Montgomery, draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, May 29.

LAMBE Alfred, of No. 149, New Bond-street, in the county of Middlesex, wine-merchant and dealer in mineral waters, and of No. 35, Rose-lane, Spitalfields, in the said county of Middlesex, orchil manufacturer.—Official assignee, Abbott, King's Arms-yard.—Sols. Nind & Cotterell, Throgmorton-street. Fiat, May 30.

LAUDER William Preston, of No. 22, Sloane-street, Chelsea, in the county of Middlesex, surgeon and apothecary.—Official assignee, G. Gibson, Basinghall-street.—Sol. Spike, Clifford's Inn. Fiat, May 30.

MARTIN Henry, of Woolhampton, in the county of Berks, tailor and daper, *d. c.*—Sols. Robertson, New Inn, and Street, Reading. Fiat, May 24.

NEWBY John, of Birmingham, in the county of Warwick, brass-founder, *d. c.*—Sols. Adlington & Co. Bedford-row, and Marshall, Birmingham. Fiat, May 29.

ONG Joseph, of Bury St. Edmunds, in the county of Suffolk, carpenter and builder, brickmaker, *d. c.*—Sols. Dixon & Sons, New Boswell-court, and Nunn & Laws, Ixworth. Fiat, May 13.

PRINCE John, of Chesterfield, in the county of Derby, leather-dresser, *d. c.*—Sols. Hutchinsons, Chesterfield, and Smithson & Dunn, Southampton-buildings. Fiat, May 27.

d. c. dealer and chapman.

SHAW Thomas James, of Bishop Wearmouth, in the county of Durham, mercer and draper, *d. c.*—Sols. Swain & Co. Frederick's-place, and Wright, Sunderland. Fiat, May 18.

STAFFELL Henry, of Strood, in the county of Kent, druggist, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Whitelock, Aldermanbury. Fiat, May 31.

TAYLOR Charles, of the parish of Aston, near Birmingham, in the county of Warwick, maltster, *d. c.*—Sols. Helme & Loftus, New Inn, and Parker & Lowe, Birmingham. Fiat, May 30.

THOMAS Benjamin, of Grove-street, Liason-grove, in the county of Middlesex, cowkeeper and dairyman, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sol. Adcock, Copthall-buildings. Fiat, May 30.

Gazette, Tuesday, June 6.

TOWN AND COUNTRY FIATS.

BINNEY Henry Casson, of Worksep, in the county of Nottingham, tanner.—Sols. Taylor & Son, John-street, Bedford-row, and Heyl, Rotherham. Fiat, May 26.

BRIERLEY Benjamin, and John Threlfall, of Manchester, in the county of Lancaster, merchants and commission-agents, *d. c.* (late carrying on business in copartnership with Thomas Ainsworth, at Manchester aforesaid, and also at Blackburn, in the said county, under the firm of Benjamin Brierley & Co.)—Sols. Johnson & Co. Temple, and Hitchcock, Manchester. Fiat, May 27.

COX William James, of Castle-street, Southwark, in the county of Surrey, hat-manufacturer, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Smith, Bridge-street, Southwark. Fiat, June 5.

CURME Henry, of Bridport, in the county of Dorset, cabinet-maker and upholsterer.—Sols. Messrs. Brace, Surrey-street, Strand, and Nicholls, Bridport. Fiat, June 1.

CURTIS Thomas, of Totton-street, Stepney, in the county of Middlesex, shipping butcher, *d. c.*—Official assignee, G. Greco, Aldermanbury.—Sol. Heath, Charlotte-street, Mansion-house. Fiat, June 2.

CURTIS William, the younger, of the borough of Derby, in the county of Derby, corn-factor, *d. c.*—Sols. Forster, Lawrence Postney-place, and Bradshaw, Nottingham. Fiat, May 25.

FISHER John Richard, of No. 248, Regent-street, in the county of Middlesex, chinaman.—Official assignee, E. Edwards, Pancras-lane.—Sol. Harrison, Gray's Inn. Fiat, June 5.

GOMM Thomas, of Birmingham, in the county of Warwick, coal-dealer and coal-merchant.—Sols. Burfoot, Temple, Page, Birmingham, and Danks, same place. Fiat, June 1.

HOOKE William, of Devonport, in the county of Devon, linen-draper, *d. c.*—Sols. Leach & Co. Devonport, and Makinson & Sanders, Temple. Fiat, May 9.

MARSH Samuel, of Burslem, in the county of Stafford, manufacturer of earthenware, *d. c.*—Sols. Dynely & Co. Gray's Inn, and Harding, Burslem. Fiat, May 31.

ORMESHER Robert, of Stockport, in the county of Chester, wheelwright, *d. c.*—Sols. Coppock, Cleveland-row, St. James's, and Coppock & Woollam, Stockport. Fiat, June 1.

PEASNALL Stephen, of Leamington Priors, in the county of Warwick, plumber and glazier, *d. c.*—Sols. Colmore, Birmingham, and Clarke & Medcalf, Lincoln's Inn-fields. Fiat, May 30.

PENSAM James, of the Bell Tavern, Fleet-street, in the city of London, licensed victualler, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Marson & Dadley, Church-row, Newington Butts. Fiat, June 2.

Gazette, Friday, June 9.

BANKRUPTCY SUPERSEDED.

CATTON William, of Blackman-street, plumber.

TOWN AND COUNTRY FIATS.

BANISTER John, of Birmingham, in the county of Warwick, grocer.—Sols. Gatty & Turner, Red Lion-square, and Cresswell, Birmingham. Fiat, June 3.

BIRT William, of the borough of Warwick, in the county of Warwick, plasterer, *d. c.*—Sols. Newton & Ensor, Gray's Inn, and Heath, Warwick. Fiat, May 31.BLYTHER John, of Hoo, in the county of Kent, grocer and cheesemonger, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Wood & Ellis, Corbet-court. Fiat, June 6.BOOT Francis, of the town and county of the town of Nottingham, tating and lace-manufacturer, *d. c.*—Sols. Johnson & Co. Temple, and Curham & Campbell, Nottingham. Fiat, June 6.BROWN William, and William Andrews, of Leeds, in the county of York, cloth-dressers and merchants, *d. c.* and copartners.—Sols. Fiddie, Serjeants' Inn, and Barr & Co. Leeds. Fiat, May 25.CHADWICK John, of Church-lane, Oldham, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Capes, Gray's Inn, and Binney, Manchester. Fiat, May 29.

COCKRAM William Shadrack, of Taunton, in the county of Somerset, ironmonger.—Sol. Stone, Taunton. Fiat, May 30.

CRAVEN Craven, of Bridlington, grocer and spirit dealer.—Official assignee, Belcher, King's Arms-yard.—Sol. Berkeley, Lincoln's Inn. Fiat, May 30.

ILLINGWORTH John, Lewis Illingworth, and Solomon Illingworth, of Chorley, in the county of Lancaster, machine-makers, *d. c.*—Sols. Adlington & Co. Bedford-row, and Stringfellow, Chorley. Fiat, June 2.PERKIN William, of Uttoxeter, in the county of Stafford, timber-merchant, *d. c.*—Sols. Blair, Uttoxeter, and Clowes & Wedlake, Temple. Fiat, June 6.RADENHURST Charles, of Birmingham, in the county of Warwick, innkeeper, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Stubbs & Rollings, Birmingham. Fiat, May 11.

REYNOLDS Richard, of Leeds, in the county of York, bill-broker.—Sols. Wilson, Southampton-street, Bloomsbury, and Payne & Eddison, Leeds. Fiat, May 29.

ROZENBAOM Abraham, of No. 2, Catherine-street, Salisbury, in the county of Wilts, jeweller, dealer in French fancy goods, *d. c.*—Sol. Sydney, New London-street. Fiat, June 6.

RYDER James, of Manchester, in the county of Lancaster, crown glass cutter and dealer in crown glass.—Sols. Willis & Co. Tokenhouse-yard, and Barrett & Ridgway, Manchester. Fiat, June 1.

WIGGERHAM Thomas, and Richard Saunders, of Birmingham, in the county of Warwick, ale and porter merchants and coal-dealers, *d. c.* and copartners in trade, carrying on business at Birmingham aforesaid, under the firm of Thomas Wiggerham & Company.—Sols. Blackstock & Co. Temple, and Hodgson, Birmingham. Fiat, June 2.*Gazette, Tuesday, June 13.*

BANKRUPTCY SUPERSEDED.

HENZELL Charles Ralsbeck, of Aldermanbury, stock and brace manufacturer.

WHICHER William, of Chichester, attorney and money scrivener.

TOWN AND COUNTRY FIATS.

AMNER Thomas, of Lime-street, in the city of London, merchant, *d. c.* (carrying on business under the firm of Thomas Amner & Co.)—Sols. Burt, Aldermanbury, and Bennett, Manchester. Fiat, May 29.BAKER George, the elder, and George Baker, the younger, of Portsmouth, in the county of Southampton, provision-merchants, cheesemongers, *d. c.* and copartners.—Sols. Greatham, Portsmouth, and Williamson & Hall, Verulam-buildings, Gray's Inn. Fiat, June 8.BARTLETT William Edwards, and John Bartlett, of the borough of Devonport, in the county of Devon, house-carpenters, builders, *d. c.* and copartners.—Sols. Barnes, Ely-place, and Beer, Devonport. Fiat, June 8.BATTIN John, of Birmingham, in the county of Warwick, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Stubbs & Rollings, Birmingham. Fiat, June 9.BOYS Henry, of No. 25, Beaumont-street, High-street, Marylebone, in the county of Middlesex, music-seller, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Corner, Dean-street, Southwark. Fiat, June 8.CHAMBERS Charles, of Holles-street, Cavendish-square, in the parish of St. Marylebone, in the county of Middlesex, milliner, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Allen & Co. Carlisle-street. Fiat, June 7.DRAPER Robert, of Wood-street, Cheapside, in the city of London, button-seller, *d. c.*—Sols. Alexander, Birmingham, and Norton & Chaplin, Gray's Inn-square. Fiat, June 6.FORCE Edward Balle, of the city of Exeter, grocer, *d. c.*—Sols. Brutton & Chipperton, Bedford-row, and Brutton & Langworthy, Exeter. Fiat, June 5.

HARRISON Edwin, of No. 55, Parliament-street, Westminster, carver, glider, and picture-dealer.—Official assignee, G. Gibson, Basinghall-street.—Sol. Crossfield, Whitechapel-road. Fiat, June 9.

HATTON Thomas, of Macclesfield, in the county of Chester, grocer and tea-dealer.—Sols. Williamson & Hill, Verulam-buildings, and Wormald, Macclesfield. Fiat, May 30.

HOGARTH William, of the town and county of the town of Newcastle, builder, *d. c.*—Sols. Watson, Newcastle, and Shield & Harwood, Poultry. Fiat, May 13.KIRK Wheatley, of Leeds, in the county of York, pianoforte manufacturer and innkeeper, *d. c.*—Sols. Battye & Co. Chancery-lane, and Raynar & Bradley, Leeds. Fiat, June 1.OGLE Nathaniel, late of No. 58, Baker-street, Portman-square, in the county of Middlesex, formerly of Milbrook, in the county of Southampton, and now or late of Camberwell, in the county of Surrey, steam-carriage builder and steam-boiler maker, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Margary, Quality-court. Fiat, June 5.ROBERTS Ellis, of Carnarvon, in the county of Carnarvon, plumber, glazier, painter, *d. c.*—Sols. Roberts, Carnarvon, and Lowe & Co. Southampton-buildings. Fiat, May 1.

ROBINSON William, of Welbeck-street, Cavendish-square, in the county of Middlesex, and late of Manchester, in the county of Lancaster, commission-agent.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Corner, Dean-street, Southwark. Fiat, June 9.

WHEATLEY George, of Leeds, in the county of York, grocer, *d. c.*—Sols. Makinson & Sanders, Temple, and Foden, Leeds. Fiat, May 26.WILDGOOSE George, of Macclesfield, in the county of Chester, grocer, *d. c.*—Sols. Parrott & Colville, Macclesfield, and Lucas & Parkinson, Argyll-street. Fiat, May 20.WORTHEN Samuel, of Hinckley Mills, in the parish of Drayton, in the county of Salop, miller and corn dealer, *d. c.*—Sols. Blackstock & Co. Temple, and Metars, Whitchurch. Fiat, May 29.*Gazette, Friday, June 16.*

TOWN AND COUNTRY FIATS.

ALBIN Leonard, the younger, of Liverpool, in the county of Lancaster, wine and spirit merchant, *d. c.*—Sols. Blackstock & Co. Temple, and Grace, Liverpool. Fiat, June 3.BATTIN James, of Birmingham, in the county of Warwick, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Stubbs & Rollings, Birmingham. Fiat, June 9.BROWN Thomas, and James Brown, of Leeds, in the county of York, iron-manufacturers, *d. c.* and copartners.—Sols. Makinson & Sanders, Temple, and Foden, Leeds. Fiat, June 8.BRUNT Isaac, of Leek, in the county of Stafford, button-manufacturer, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. James & Terrell, Basinghall-street. Fiat, June 10.CARTER William England, of Chesterfield, in the county of Derby, druggist, *d. c.*—Sols. Vickery, Lincoln's Inn-fields, and Gratton, Chesterfield. Fiat, May 24.CHAMBERS Andrew, of Birmingham, in the county of Warwick, engraver, printer, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Lefevre, Birmingham. Fiat, June 10.

DAVIES John Shayle, of the town of Monmouth, in the county of Monmouth, ironmonger, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Messrs. Edwards, Ross. Fiat, June 6.

GOBLE Thomas Harvey, of Worthing, in the county of Sussex, coal-merchant, *d. c.*—Sols. Tribe, Worthing, and Hillier & Co. Gray's Inn. Fiat, June 5.

HILLMAN Edwin, of No. 55, Parliament-street, Westminster, in the county of Middlesex, carver, gilder, and picture-dealer.—Official assignee, G. Gibson, Basinghall-street.—Sol. Crossfield, White-chapel-road. Fiat, June 9.

KINGSLEY Henry, of Enfield Town, in the county of Middlesex, tailor and draper, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sols. Teesdale & Co. Fenchurch-street. Fiat, June 1.

LANGLEY Frederick, of No. 11, Poultry, in the city of London, bill-broker, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Ivey, Chancery-lane. Fiat, June 13.

LIVINGSTON Samuel, of Heston Norris, in the county of Lancaster, provision dealer, *d. c.*—Sols. Foulkes, Manchester, and Walmsley & Co. Chancery-lane. Fiat, May 18.

MAJOR John Taylor, and Samuel Major, of the borough and county of the town of Poole, upholsterers and copartners.—Sols. Durant & Welch, Poole, and Fox, Finsbury-circus. Fiat, May 30.

MARSDEN Edward, of Dudley-hill, in the township of Tong, and parish of Birstall, in the county of York, worsted-manufacturer, *d. c.*—Sols. Kildale & Cradock, Gray's Inn-square, and Bloome & Gatliff, Leeds. Fiat, May 23.

POOLE William Rocket, of Rell-street, in Birmingham, in the county of Warwick, licensed victualler.—Sols. Austen & Hobson, Gray's Inn, Latimer, Birmingham, and Suckling, same place. Fiat, May 17.

RICHARDSON George, of Smith's-buildings, City-road, in the county of Middlesex, coach-builder.—Official assignee, G. Lackington, Basinghall-street.—Sols. Bruce & Smith, Francis-street, Golden-square. Fiat, June 14.

SOULBY John, and Alfred Soulby, of the Union Brewery, Lambeth-walk, in the county of Surrey, brewers, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sol. Ogden, St. Mildred's-court. Fiat, June 14.

SYERS Thomas, of Clayton-square, Liverpool, in the county of Lancaster, tailor and draper, *d. c.*—Sols. Dean, Essex-street, and Houghton, Liverpool. Fiat, June 9.

TRENHOLM James, of Darlington, in the county of Durham, common brewer and spirit-merchant, *d. c.*—Sols. Tilson & Co. Coleman-street, and Allison, Darlington. Fiat, May 30.

WALKER Richard, of Birmingham, in the county of Warwick, metallic gun wadding and percussion cap manufacturer.—Sols. Smythies, Birmingham, and Milne & Co. Temple. Fiat, June 10.

WALLIS William, of No. 76, Connaught-terrace, Edgware-road, in the county of Middlesex, boarding and lodging-house keeper, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Garrard, Suffolk-street, Pall-mall East. Fiat, June 15.

WEBB James, of the city of Bath, tailor and woollen-draper, *d. c.*—Sols. Adlington & Co. Bedford-row, and Batchelor & Co. Bath. Fiat, June 12.

Gazette, Tuesday, June 20.

BANKRUPTCY SUPERSEDED.

LONGSDON David, of Castle-street, Southwark, furrier.

TOWN AND COUNTRY FIATS.

ATKINSON John, of Barrowford, in the parish of Colne, in the county of Lancaster, cotton-manufacturer, *d. c.*—Sols. Bower & Back, Chancery-lane, and Bunting, Manchester. Fiat, June 8.

BAKER William, of Kidderminster, in the county of Worcester, and of Noble-street, in the city of London, carpet-manufacturer, (trading under the firm of Joseph Baker & Son).—Sols. Allan & Benbow, Lincoln's Inn, Hallen, Kidderminster, and Nicholas & Pardoe, Bewdley. Fiat, June 13.

BETHAM Edward, of Portsmouth Chambers, Lincoln's Inn-fields, in the county of Middlesex, bill-broker and money-scrivener, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Stovin, Lincoln's Inn-fields. Fiat, June 16.

BROOK George, John Raper, and Benjamin Brook, all of Leeds, in the county of York, iron-founders, machine-makers, and partners in trade.—Sols. Robinson & Barlow, Essex-street, and Ward, Leeds. Fiat, June 7.

BROWNE Joseph, of Manchester, in the county of Lancaster, tobacconist, lodging-house keeper, *d. c.*—Sols. Bower & Back, Chancery-lane, and Owen & Gill, Manchester. Fiat, June 14.

BRYANT George, of Winterbourne, in the county of Gloucester, maltster, *d. c.*—Sols. Peters, Bristol, and Jones, Crosby-square. Fiat, June 13.

BURMAN John, of Birmingham, in the county of Warwick, linen-draper, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Spurrier & Co. Birmingham. Fiat, June 10.

DEAN John, of Sydney-square, Commercial-road, in the county of Middlesex, pasteboard manufacturer, vender of druggists' sundries, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Young & Vallings, St. Mildred's-court. Fiat, June 17.

EGGLESTON William, of Holme, and also of Audenshaw, in the county of Lancaster, common brewer, *d. c.*—Sols. Abbott & Arney, Charlotte-street, Bedford-square, and Bennett, Manchester. Fiat, June 14.

FREER John, of Syston, in the county of Leicester, hosier and grocer, *d. c.*—Sols. Holme & Loftus, New Inn, and Gregory, Leicester. Fiat, June 10.

HARDING Thomas, of Moland-street, in Birmingham, in the county of Warwick, gun-maker.—Sols. Austen & Hobson, Raymond-buildings, and Palmer & Son, Birmingham. Fiat, June 15.

HUMBERSTON Charles, and Samuel Frodsham, of Liverpool, in the county of Lancaster, commission-merchants, *d. c.* (and carrying on business at Ramsay, in the Isle of Man, as ship-builders, under the firm of Charles Humberston & Co.)—Sols. Dean, Essex-street, and Peacock, Liverpool. Fiat, June 9.

KIRK Joseph, the elder, and Joseph Kirk, the younger, both of Leeds, in the county of York, tin-plate workers and braziers, and copartners in trade, *d. c.*—Sols. Battye & Co. Chancery-lane, and Rayner & Bradley, Leeds. Fiat, June 6.

NOTT Manford, of the parish of St. Lawrence, in the borough of Reading, in the county of Berks, toy-dealer, *d. c.*—Sols. Battye & Co. Chancery-lane, and Whatley, Reading. Fiat, June 9.

RATHBONE Richard, of Moor-street, in Birmingham, in the county of Warwick, spade-maker, *d. c.*—Sols. Chilton, Chancery-lane, and Benson, Birmingham. Fiat, June 15.

SMITH Francis, of Crawford-street, Marylebone, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sols. Soles, Aldermanbury. Fiat, June 6.

SPICER William, of Little St. Andrew-street, in the parish of St. Giles in the Fields, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, T. M. Alsager, Birch-in-lane.—Sols. Martineau & Co. Carey-street. Fiat, June 17.

STANBRIDGE Charles, William Forbes Marshall, and Thomas Robinson Williams, of Lamb's-buildings, Bunhill-row, in the county of Middlesex, manufacturers of artificial skins and japanned silkwares, (lately carrying on business at Lamb's-buildings aforesaid, under the firm of Stanbridge, Marshall, Williams & Co.)—Official assignee, W. Turquand, Copthall-buildings.—Sol. Lyle, Great James-street. Fiat, June 16.

THELWALL John, of Millhouses, in the parish of Wirksworth, in the county of Derby, hat-manufacturer, *d. c.*—Sols. Walter & Pemberton, Symond's Inn, and Hodgkinson, Wirksworth. Fiat, June 9.

WILSON John, of Manchester, in the county of Lancaster, butcher.—Sols. Hall & Co. Verulam-buildings, and Aspinall, Manchester. Fiat, June 6.

WINNINGTON John, of Chorlton-upon-Medlock, in the parish of Manchester, in the county of Lancaster, druggist, hackney-coach proprietor, livery-stable keeper, *d. c.*—Sols. Cuvelje, Southampton-buildings, and Rowley & Taylor, Manchester. Fiat, June 13.

Gazette, Friday, June 23.

BANKRUPTCY ENLARGED.

HARRISON James, of Manchester, commission agent and cotton-manufacturer.

BANKRUPTCIES SUPERSEDED.

DELL Thomas, jun., of Chingford-green, butcher, and Sewardstone, Essex, coach-proprietor and farmer.

RENDER John, of Knaresborough, innkeeper and flax-dresser.

TOWN AND COUNTRY FIATS.

- AUSTIN William, of Whitstable, in the county of Kent, grocer and cheesemonger.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Pontifex, St. Andrew's-court, Holborn. Fiat, June 16.
- BOWEN George Hatton, of the borough of the city of Bristol, oil and colourman, *d. c.* (carrying on business under the firm of George Hatton Bowen & Co.).—Sols. White & Whitmore, Bedford-row, and Bevan & Britan, Bristol. Fiat, June 17.
- BUTTERWORTH James, of Leeds, in the county of York, machine maker, (late carrying on business in copartnership with Samuel Hallowell).—Sols. Smithson & Dunn, Southampton-buildings, and Dunning & Kenyon, Leeds. Fiat, June 16.
- CAWOOD Robert, of Leeds, in the county of York, merchant.—Sols. Wilson, Southampton-street, and Payne & Eddison, Leeds. Fiat, May 29.
- FLETCHER Samuel, of Jew's Harp Wharf, Regent's Canal Basin, in the county of Middlesex, coal-merchant *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Pocock, Bartholomew-close. Fiat, June 22.
- GAUNT Joseph, now or late of Pudsey, in the parish of Calverley, in the county of York, cloth-manufacturer, *d. c.*—Sols. Strangways & Walker, Barnard's Inn, and Robinson, Leeds. Fiat, June 19.
- LAXTON Wright, late of Waltham-cross, in the county of Hertford, innkeeper.—Official assignee, E. Edwards, Pancras-lane.—Sols. Hawkins & Co. New Bowell-court. Fiat, June 21.
- LILLY Frederick, of Manchester, in the county of Lancaster, corn-dealer, *d. c.*—Sols. Milne & Co. Temple, and Crossley & Sudlow, Manchester. Fiat, June 13.
- MORGAN Thomas, of St. James's-street, Piccadilly, in the county of Middlesex, perfumer, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Low, Upper Gloucester-place, Regent's-park. Fiat, June 19.
- PEARS William Hill, of the city of Coventry, silkman, *d. c.*—Sol. Beck, Ironmongers'-hall. Fiat, May 24.
- SHARP Moses, of Thornton, in the parish of Bradford, in the county of York, worsted-piece manufacturer.—Sols. Douglas & Cragg, Gray's Inn, and Alcock, Skipton. Fiat, June 14.
- WALMSLEY John, and William Walmsley, of Heaton Norris, in the parish of Manchester, in the county of Lancast'r, cotton-spinners, *d. c.*—Sols. Milne & Co. Temple, and Slater & Heelis, Manchester. Fiat, June 13.

Gazette, Tuesday, June 27.

TOWN AND COUNTRY FIATS.

- BRIDGER William, of Petworth, in the county of Sussex, grocer, *d. c.*—Sol. King, Lyon's Inn. Fiat, June 13.
- COLLARD Abraham Ward, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Sols. Mallaby, Liverpool, and Chester, Staple Inn. Fiat, March 17.
- ELLINGWORTH Richard, of Coney-street, in the city of York, bookseller.—Official assignee, Pennell, Basinghall-street.—Sol. English, Old Jewry. Fiat, June 23.
- GERRARD James, of Molm-hill, in the township of Marsden, in the county of York, cotton-spinner, *d. c.*—Sols. Chester, Staple Inn, and Chapman, Manchester. Fiat, May 30.
- HELLIWELL William, and William Smith, both of Elland Edge, near Halifax, in the county of York, card-makers, *d. c.* and partners in trade.—Sols. Adlington & Co. Bedford-row, and Wavell, Halifax. Fiat, June 22.
- LAW William, of the island of Guernsey, merchant, *d. c.*, but now residing at No. 9, Charlotte-street, Bloomsbury, in the county of Middlesex.—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Cranch & Son, London-street. Fiat, June 26.
- LEBAS Charles, of Birmingham, in the county of Warwick, engraver, copper-plate and letter-press printer and stationer, *d. c.*—Sols. Milne & Co. Temple, and Beswick & Son, Birmingham. Fiat, May 31.
- MUNDAY Isaac, of Gosport, in the county of Southampton, baker, *d. c.*—Sols. Spain, Fareham, and Bishop, Serjeants' Inn. Fiat, June 21.

ORTON Horatio Lewis, of Box, in the county of Wilts, and Errington Paxton, of Long Ashton, in the county of Somerset, builders, contractors, *d. c.* and copartners.—Sols. Blower & Vizard, Lincoln's Inn-fields, Heaven, Bristol, and Nash, same place. Fiat, June 20.

PARTRIDGE Thomas, the younger, of the parish of Aston nigh Birmingham, in the county of Warwick, malister, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, June 22.

POPE Edward, of March, in the county of Cambridge, draper, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sols. Ashurst & Gainsford, Cheapside. Fiat, June 13.

SCOTT William, of the town and county of Poole, timber-merchant, *d. c.*—Sols. Castleman, Wimborne Minster, and Stephens, Doughty-street. Fiat, May 29.

TUCK David, of Parkstone, in the borough of Poole, builder, *d. c.*—Sols. Parra, Poole. Fiat, May 31.

WARRREN Joseph, of Melbourne, in the county of Derby, grocer, chandler, *d. c.*—Sols. Lake & Curtis, Basinghall-street, and Moss, Derby. Fiat, June 16.

WEAVER Thomas, of Birmingham, in the county of Warwick, builder, *d. c.*—Sols. Milne & Co. Temple, and Beswick & Son, Birmingham. Fiat, April 13.

Gazette, Friday, June 30.

BANKRUPTCY SUPERSEDED.

JOHNSON William, of the Edgware-road, butcher.

TOWN AND COUNTRY FIATS.

CHIESMAN Robert, of Leeds, in the county of York, joiner and builder, *d. c.*—Sols. Woodhouse & Co. Temple, and Stott, Leeds. Fiat, June 16.

CONSTATT Nathan Jacob, and Maurice Dyte, of No. 27, Bury-street, St. Mary Axe, and of No. 44, Houndsditch, in the city of London, surgeons, apothecaries, chemists, and druggists, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Alexander, Union-court, Old Broad-street. Fiat, June 20.

FARRIES Archibald, of Preston, in the county of Lancaster, provision dealer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Winstanley & Co. Preston. Fiat, June 22.

FEILD Henry, and James Crane, of No. 31, Bush-lane, Cannon-street, in the city of London, and of Haggerston-lane, in the county of Middlesex, (trading under the firm of Henry Field & Company,) varnish-makers and colourmen, *d. c.*—Official assignee, D. Cannon, Sambrook-court, Basinghall-street.—Sol. Nias, Cophall-court. Fiat, June 15.

FLOWER Edward, of No. 48, Greek-street, in the parish of St. Ann, Soho, in the county of Middlesex, manufacturing goldsmith and pearl worker, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Evans, Lincoln's Inn-fields. Fiat, June 28.

HALLS Thomas, of Bell-yard, Gracechurch-street, in the city of London, victualler, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sols. Owen & Dixon, Mark-lane. Fiat, June 27.

HILL Joseph, of Shifford's Grange, in the county of Stafford, miller, *d. c.*—Sols. Warren, Market Drayton, and Rosser & Son, Gray's Inn-place. Fiat, June 14.

JESSE William, and William Thomas Jesse, of Bourton, in the parish of Gillingham, in the county of Dorset, tick and dowlas manufacturers, *d. c.* and copartners.—Sols. Moore, Yeovil, and Ridsdale & Craddock, Gray's Inn-square. Fiat, June 16.

JESSE William Thomas, of Bourton, in the parish of Gillingham, in the county of Dorset, tick and dowlas manufacturer, *d. c.*—Sols. Moore, Yeovil, and Ridsdale & Craddock, Gray's Inn-square. Fiat, June 15.

KEMP Joseph, of Birmingham, in the county of Warwick, gun-maker, *d. c.*—Sols. Thorndike, Staple Inn, and Wheeler, Birmingham. Fiat, June 23.

KIDD Joshua, of Brownlow-street, Drury-lane, in the county of Middlesex, coach-currer, *d. c.* (surviving partner of George Joshua, late of the same place, coach-currer, deceased, afterwards in partnership with Harriet Joshua, of the same place, coach-currer, his widow).—Official assignee, W. Whitmore, Basinghall-street.—Sols. Fry & Loxley, Cheapside. Fiat, June 26.

SHEPPARD Richard Calvert, of Great Scotland-yard, Westminster, in the county of Middlesex, woollen-draper, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sols. Bartlett & Beddome, Nicholas-lane. Fiat, June 26.

TUNNICLIFFE Jeremiah, of Shelton, in the county of Stafford, retail brewer, *d. c.*—Sols. Wilson, Symond's Inn, and Harding, Burslem. Fiat, June 19.

CERTIFICATES TO BE ALLOWED:

June 23.—Gazette, June 2.

Bayliss Thomas, of the Strand, smith and ironmonger.
De Burgh William, of Bishopsgate-street Without, victualler.
Lawton George, of York, *d. c.*
Ridge Benjamin, of Birmingham, general factor.
Taberner Ann, of Solihull, Warwickshire, huckster and farmer.

June 27.—Gazette, June 6.

Arthur John, of Colyton, paper-manufacturer.
Coombe William, of Bath, currier.
Darby Catherine, of Crispin-street, Spitalfields.
Dixon John, of Lincoln, draper.
Gale William, of Brighton, victualler and stable keeper.
Marshall Samuel, of Sheffield, manufacturer of cutlery.
Sparrow John Johnson, of Chesterton, victualler.
Sparrow Robert, of Sun-street, linen-draper.
Stevens John Lee, of Fleet-street, printer and publisher.
Thompson Samuel, of Upper Rathbone-place, tallow-chandler.

June 30.—Gazette, June 9.

Bingham Nathaniel, of Old Broad-street, surgeon.
Blyth James Creswick, of Birmingham, factor, (partner with Edward Lawrence Ireland).
Cotton William, of Deptford, victualler.
Edwards John Charles, of Hertford-street, May-fair, bill-broker.
Freeman Joseph, of Ipswich, woollen-draper and tailor.
Green Joseph, of Birmingham, shopkeeper.
Hadley James, of Birmingham, mercer.
Jackson Joseph, of Liverpool, brewer.
Lorymer James, of Bristol, corn-factor.
Turnbull George, of Howdon Dock, Northumberland, grocer.
Turnbull William, and Thomas Turnbull, of Howdon Dock, Northumberland, timber-merchants.
Wood George, of Prestwich, dyer, (partner with John Clarke).

July 4.—Gazette, June 13.

Ackroyd Jonathan, of Sheffield, draper.
Capner John, of Birmingham, maltster and victualler.
Fisher Thomas Makin, of Manchester and Bacup, cotton-spinner, (partner with John Holden).
Miller Joshua, and John Miller, of Bradford, Yorkshire, woollen-draper and tailors.
Poits Henry, of Valentine-terrace, Blackheath-road, builder.
Thompson John, of Liverpool, grocer.

July 7.—Gazette, June 16.

Adams John Moore, of the Strand, jeweller.
Bailey Adam, of St. Neots, grocer.
Finch William, of Worcester, scrivener.
Lawes Thomas, of Lombard-street, bill-broker and money-scrivener.
Phipson Joseph, of Birmingham, button and military ornament manufacturer.
Robbins Charles, of Birmingham, currier.
Tomlinson William, of Ashbourne, maltster.

July 11.—Gazette, June 20.

Bartlett William Augustus, of Regent-street, perfumer.
Carter John, of Great Baddow, Essex, wine-merchant.
Hopkins Thomas, of Kidderminster, carpet-manufacturer.
Legg Thomas, of Windmill-street, Tottenham-court-road, carver and gilder.
Marston Thomas Spell, of Kenilworth, carpenter.
Palmer William Burton, of Birmingham and Northfield, draper.
Parsons Robert, of York, surgeon-dentist.
Pickering Joseph, of Bedford, upholsterer.
Riddick David, of Cirencester, tea-dealer.
Wood George, of Lyme Regis, linen-draper.

July 14.—Gazette, June 23.

Arnould Joseph, of King William-street, West Strand, bookseller.
Brooks John Augustus, of Charlotte-street, Bloomsbury, wine-merchant.

Buchanan Benjamin, and David Laid, of Liverpool, merchants.
Exley John, of Riches-court, Lime-street, corn-factor.
Fermor Edward, of Hastings, brewer.
Johnson Charles, of Leeds, victualler.
Mountcastle William, of Manchester, silk-manufacturer, (partner with Thomas Cole).
Paul John, of Mincing-lane, commission-agent and factor.

July 18.—Gazette, June 27.

Clarke John, of Birmingham, coal-dealer and lime-burner.
Clayton Charles, of Nottingham, lace-manufacturer, (partner with Thomas Hind).
Greenhill William Wickham, of Cobham, cattle-dealer.
Hall William, of Plymouth, silversmith.
Haworth John, of Manchester, ironmonger, (partner with Samuel Davis).
Jones John, of Shoreditch, linen-draper.
Simpson William, of Kirby-street, Hutton-garden, victualler and builder.
Wicks Jacob, of Basinghall-street, warehouseman.

July 21.—Gazette, June 30.

Alexander Edward, of Mill-street, Hanover-square, wine-merchant.
Davenport Jedediah, of Derby, colour-manufacturer.
M'Diarmid James, of King-street, New North-road, baker.
Peters James, of Little Hampton, Sussex, corn-merchant.
Poynter John, of Wilmington-square, money-scrivener.
Worth Frederick Henry, of Shrewsbury, coach-builder.

DIVIDENDS.

Gazette, June 2.

Date of Fiat.

- 1837, ALSTON William, of Leicester, spinner; div.
1832, HALL John, the elder, Joseph Hall, and Thomas Hall, all of Burslem, Staffordshire, earthenware manufacturers; joint div. and sep. div. of J. Hall, sen.
1835, HOULDER William, of Paignton, and of Brixham, both in Devonshire, tea-dealer and dealer in toys; div.
1835, JAMES David, of Dartford, Kent, banker; final div.
1835, NEVATT John, of Petworth, Sussex, tailor; final div.
1837, OSMAN Thomas, late of Burford, Oxfordshire, mercer and draper; div.
1829, SEVERN Benjamin, Frederick Benjamin King, and John Severn, all of Church-lane, Whitechapel, Middlesex, grocer and sugar-refiners; final div.
1837, SMITH Thomas Caney, of Great St. Helens, Bishopsgate-street Within, London, provision-merchant; div.
1837, SUFFIELD Joseph, of Leicester, brace-manufacturer and carpet-dealer; div.
1836, TURNER Thomas, of No. 139, New Bond-street, Middlesex, upholsterer; div.
1837, WOOTTEN Thomas, of Bognor, Sussex, grocer; first and final div.

Gazette, June 6.

- 1837, COOMBE William, of Bath, currier; div.
1837, COOPER William, of Kidderminster, Worcestershire, carpet-manufacturer; div.
1836, DENTON William Smith, of Finkle-street, Carlisle, builder; div.
1836, DICKENSON Joseph, of Denham Springs, in Brindle, Lancashire, calico-printer; div.
1837, GIBSON Joshua, and Joseph M'Glasson, of Liverpool, Lancashire, silk-mercers and linen-draper; div.
1835, GOODCHILD John, the elder (res. flat), of Low Palson, Durham, John Jackson, and William Jackson, both now or late of Dowgate Wharf, London, John Goodchild, the younger, of High Pallion, Durham, James Jackson, now or late of Eppleton, Durham, and Thomas Jones, the elder, now or late of Greencroft, Durham, bankers, (carrying on trade at Bishopwearmouth, Durham, under the style or firm of Goodchilds, Jacksons & Co.); fur. and final sep. div. of John Jackson.
1832, GRANT Donald, late of Torquay, Devonshire, afterwards of Kensington, Middlesex, but now residing in parts beyond the seas, builder; final div.

Date of Fiat.

- 1837, **HEADLEY** John, of Leicester, hosier; div.
 1836, **JAMES** John, of Love-street, Clifton, Bristol, grocer and tea-dealer; div.
 1836, **LINNEY** Thomas, of Arnewood, in Hordle, Southampton, cattle-dealer; div.
 1837, **MORGAN** Daniel, of Hedge-row, Islington, Middlesex, butcher; div.
 1835, **MYERS** Michael, of St. Peter's-alley, Cornhill, London, fishmonger; final div.
 1836, **PIGOTT** Ellis, George Fall, and John Nicholls, of Manchester, Lancashire, embossers and printers; div.
 1837, **RIMMELL** Hyacinthe Mars, Louis Jean Baptiste Vaudeau, and Pierre Joseph Gabriel Augustin Bessan, of No. 210, Regent-street, and of No. 39, Gerrard-street, Soho, both in Middlesex, perfumers; final div.
 1836, **SHEPPARD** William, late of Hoxne, Suffolk, cattle-salesman and corn-merchant; div.
 1834, **VOUTHER** Francois, of No. 13, of the street called Rue de Clery, in Paris, in the kingdom of France, merchant; div.
 1837, **WARNER** Robert William, of the Wrekin Tavern, Broad-court, Middlesex, tavern-keeper; div.
 1837, **WILSON** Henry, of Duke-street, Southwark, Surrey, grocer; div.
 1837, **WRIGHT** William, of the New Brunswick Coffee-house, Brunswick Dock, Harrington, in Liverpool, Lancashire, licensed tavern-keeper and victualler; div.

Gazette, June 9.

- 1831, **BAKER** Edward, of Bristol, oil-gas manufacturer; div.
 1837, **BLYTHER** George Francis, of High-street, Rochester, grocer; div.
 1839, **BRANCKER** John Barnes, of Liverpool, Lancashire, broker; final div.
 1837, **CAMPBELL** Robert, of Deritend, in Aston, Warwickshire, brass-founder and fire brasses manufacturer; div.
 1837, **FLETCHER** William Henry, of Portsea, Southampton, grocer; div.
 1836, **INGRAM** John, of Birmingham, Warwickshire, grocer; div.
 1836, **MARKLAND** Edwin, of Great Yarmouth, Norfolk, chemist and druggist; second and final div.
 1835, **NICHOLS** Richard, of Wakefield, Yorkshire, bookseller; final div.
 1836, **PYE** Miles, late of Aintree, Lancashire, victualler; div.
 1837, **SAYRE** John, of No. 79, High-street, Shadwell, in St. Paul, Shadwell, Middlesex, cheesemonger; div.
 1837, **SYMONDS** Samuel, of Basinghall-street, London, Blackwell-hall factor and warehouseman; div.
 1837, **TOZER** John Edmonds, of Milk-street, Chesapeake, London, wholesale hosier; div.
 1836, **WADE** John, of Lynn Regis, Norfolk, stationer and printer; final div.

Gazette, June 13.

- 1837, **BARLOW** Sarah, and Robert Salmon Mulley, of Little Bartholomew-close, West Smithfield, London, stone-masons and builders; div.
 1837, **BROTHERTON** William, of Liverpool-street, London, saddler and harness maker; div.
 1831, **CLARK** John James, and Adam Clark, of Market Rasen, Lincolnshire, drapers; joint div., first and final div. of J. J. Clark, and final div. of A. Clark.
 1823, **COLEMAN** Thomas, of the Highwood, in Yarpole, Herefordshire, and Edward Wellings, of Ludlow, Salop, bankers; fur. div. of each.
 1836, **COLLING** Jonathan, the younger, of Newcastle-upon-Tyne, hatter; final div.
 1815, **CREAK** Thomas King, Joseph Corbie, and John Corbie, late of Durand's Wharf, Rotherhithe, Surrey, mast and block makers and wharfingers, (trading under the firm of T. K. Creak & Co., the said Joseph Corbie and John Corbie also carrying on business in New Broad-street-court, London, as merchants, under the firm of J. & J. Corbie); final divs.

Date of Fiat.

- 1836, **FEA** Charles, now or late of Canterbury, Kent, woolstapler; final div.
 1837, **FLITCROFT** Litchford, of Manchester, Lancashire, publican; div.
 1837, **GEORGES** William Payne, of Devonport, Devonshire, wine-merchant; div.
 1836, **HODSON** Christopher, Thomas Hodson, and John Wolfenden, of Well-o'-th'-lane Mill, in Rochdale, Lancashire, cotton-spinners; sep. div. of Wolfenden.
 1836, **JOEL** Trytle, of Newcastle-upon-Tyne, dealer in gold and silver watches and jewellery; final div.
 1833, **LANGRIDGE** John, of Salisbury, Wiltshire, stay-maker; final div.
 1836, **LYNCH** John Gilbert, and James Kite, of Macclesfield Wharf, New North-road, Hoxton, Middlesex, coal-merchants; final joint div., and final sep. div. of Lynch.
 1817, **MARSHAM** William, late of Angel-court, Throgmorton-street, London, and of Middlesex-place, and Stewart's-grove, Middlesex, broker; final div.
 1837, **MOTT** Dighton, of Leadenhall-market, London, poulterer and dealer in game; div.
 1837, **PADDON** Francis William, of Plymouth, Devonshire, common carrier, commission-agent, and consignee; div.
 1837, **PREEDY** Thomas, and William Preedy, of Oxford, grocers; div.
 1836, **PRICE** Thomas; and George Hinckley Powell, late of Hay, Brecon, d. c.; div.
 1837, **WHITFIELD** Alfred, of Crosby Hall Chambers, Bishopsgate-street, London, Manchester warehouseman; div.

Gazette, June 16.

- 1837, **ABSOLON** John, late of No. 12, Old Bond-street, Piccadilly, but now of Jermyn-street, St. James's, both in Middlesex, tailor and draper; div.
 1836, **BERRY** Charles, now or late of Birmingham, Warwickshire, stationer and silversmith; fur. and final div.
 1837, **BUSSELL** Joseph, the younger, of Taunton St. Mary Magdalen, Somersetshire, tailor; div.
 1836, **DAVIES** David, of Newbridge, Glamorganshire, general shop-keeper; div.
 1837, **DRY** Abraham Harrison, of St. Martin's-lane, near Charing-cross, Middlesex, pawnbroker, silversmith, and dealer; div.
 1837, **FLETCHER** Samuel, of Great Marlborough-street, St. James's, Westminster, silversmith and jeweller; div.
 1836, **GLASS** Francis, of Cateaton-street, London, Blackwell-hall factor; final div.
 1836, **GRAFTON** Martin Charles, of Alcester, Warwickshire, tanner; first and final div.
 1837, **HAMBIDGE** William, of Witney, Oxfordshire, butcher; first and final div.
 1837, **PATTERSON** Andrew, of Greenwich, Kent, music and musical instrument vender; div.
 1834, **PIDDING** John Rhodes, of No. 12, George-yard, Lombard-street, London, and of Bolland's-lane, Finchley, Middlesex, merchant; div.
 1837, **PRESTON** Thomas, of Cateaton-street, London, warehouseman; div.
 1836, **WILSON** Edmund, of Lower Thames-street, London, cheesemonger and trader; final div.
 1837, **WOODTHORP** Henry, of Avely, Essex, grocer; div.

Gazette, June 20.

- 1810, **ATKINSON** William, of Austin-friers, London, merchant; final div.
 1836, **BEAUMONT** William, and Charles Beaumont, of Ember Mills, Thames Ditton, Surrey, millers; final div.
 1811, **BROCK** William, and Benjamin Le Mesurier, of Warnford-court, Throgmorton-street, London, merchants; final div.
 1834, **COLEMAN** Thomas, of Darlaston, Staffordshire, nail-maker and victualler; fur. and final div.
 1836, **DARGUE** Wilson, of Whitehaven, Cumberland, innkeeper; div.
 1834, **DAVIS** James Justice, of Newbury, Berkshire, upholsterer; final div.

Date of Fiat.

- 1834, DRAYTON John, and Charles Drayton, of St. John-street, Clerkenwell, Middlesex, woollen-draper; fin. div. of J. Drayton.
- 1836, FUSSELL Jonathan, of Old-street, St. Luke's, Middlesex, currier and leather-seller; final div.
- 1837, HEBERT James Lloyd, of Shepton Mallett, Somersetshire, innkeeper; div.
- 1836, HILL James, of Montagu-mews, Montagu-square, St. Mary-lebone, Middlesex, hackneyman; div.
- 1834, HUTTON Thomas, Henry William Lepine, and Charles Edward Lepine, of No. 6, Newgate-street, London, fringe-manufacturers; final div.
- 1837, JOHNSTONE Robert, of Chelmsford, Essex, woollen-draper; div.
- 1812, KENSINGTON John Pooley, Edward Kensington, Henry Kensington, William Styant, and Daniel Adams, London, bankers; final div.
- 1837, KILVINGTON Thomas, of Brough, Westmorland, innkeeper; div.
- 1836, KNOTT Samuel, of Fairfield, near Manchester, Lancashire, corn-dealer; div.
- 1833, LANCASTER Thomas Jacomb, of Cateaton-street, London, merchant; final div.
- 1835, LLEWELLYN William, of Cow-cross, Middlesex, iron-founder; div.
- 1836, PETERS James, of Littlehampton, Sussex, corn-merchant; div.
- 1837, RICE James, of Woodbridge and Ipswich, both in Suffolk, saddler and harness-maker; div.
- 1837, RICHARDS John, and Joseph Richards, of No. 8, Morris's-walk, Bridge-street, Southwark, corn and coal measure makers and warehousemen; sep. divs.
- 1837, RIMMEL Hyacinthe Mars, Louis Jean Baptiste Vaudeau, and Pierre Joseph Gabriel Augustin Bessan, of No. 210, Regent-street, and of No. 39, Gerrard-street, Soho, both in Middlesex, perfumers; final div.
- 1816, RITCHIE Walter, of Finsbury-square, merchant; final div. of Ritchie & Sons.
- 1835, ROSE William, and James Turley, of Coseley, Staffordshire, timber-merchants; first and final div.
- 1836, ROSTRON Laurence, of Salford, and John Rostron, and James Rostron, of Edenfield, both in Lancashire, manufacturers and merchants, (carrying on business at Manchester and Edenfield); div.
- 1836, SCOTT Thomas, of No. 45, Watling-street, London, wine-merchant; final div.
- 1836, SMITH James, of No. 45, Curzon-street, May-fair, and also of Weymouth-street, Portland-place, both of Middlesex, furnishing ironmonger; final div.
- 1837, VERTUE Thomas, of Woodbridge, Suffolk, merchant; div.
- 1836, WILSON George, of Hexham, Northumberland, spirit-dealer; div.
- 1831, WITHERS William, of Holt, Norfolk, money-scrivener; div.
- 1837, WOODHAMS John, of the Pitt's Head, Grange-road, Bermondsey, Surrey, victualler; div.
- 1831, WOOD Charles, and Kenneth Poole, of No. 19, Abchurch-lane, London, bill-brokers; final div.
- 1812, WRIGHT Richard, of Woolwich, Kent, victualler; final div.

Gazette, June 23.

- 1835, CATES John, the younger, of No. 66, Margaret-street, Cavendish-square, Middlesex, surgeon and apothecary; div.
- 1832, DAUBNEY Thomas, late of Portsea, Southampton, grocer; div.
- 1834, EMERSON Arthur, of No. 11, Lawrence Pountney-lane, Cannon-street, London, lead and tin-plate merchant; div.
- 1837, EVANS William Fribourg, of No. 69, Millbank-street, Westminster, coal-merchant; div.

Date of Fiat.

- 1836, FIELDING George Augustus Bridger, and George Augustus Fielding, of Portsea, Southampton, brewers and spirit merchants; final div.
- 1836, FINCH George William, of No. 4, Devonshire-place, Green-lanes, Newington, coach-proprietor; div.
- 1837, GOTER Henry John, of New Bond-street, St. George, Hanover-square, Middlesex, fishmonger; div.
- 1837, HILL Leonard, of Fleet-street, London, shopkeeper; div.
- 1837, KNOWLES Robert, of Trump-street, London, warehouseman; div.
- 1825, ROBINE Francis, late of Regent-street, Piccadilly, Middlesex, jeweller; final div.
- 1836, SARGEANT Edward, of Stamford, Lincolnshire, chemist and druggist; div.
- 1837, TIMMINS James Willis, of Westbromwich, Staffordshire, nail factor; div.
- 1831, WILKINSON James, John Strath, and Robert Joseph Thornton Perkin, of Leadenhall-street, London, brokers and agents; final div.
- 1833, YOUNG James, Thomas Bracken, George Ballard, James Charles Colebrooke Sutherland, and Nathaniel Alexander, lately carrying on business in partnership together, at Calcutta, in the East Indies, under the firm of Alexander & Co., merchants, bankers, and agents; final div. of Young.

Gazette, June 27.

- 1837, BAILEY William Cooke, late of Mildenhall, Suffolk, cabinet-maker and innkeeper; div.
- 1837, BURBIDGE George, of King William-street, London, fancy stationer; div.
- 1837, BURGESS Daniel, of No. 9, Duke-street, Grosvenor-square, Middlesex, jeweller; div.
- 1836, CLAPP William Murray, of Exeter, ironmonger; div.
- 1837, ENGLAND Louis, of Shepperton-street, New North-road, Middlesex, builder; div.
- 1836, PARK Richard, of Kingston-upon-Hull, underwriter; div.
- 1836, SOMMERVILLE Thomas, of Liverpool, Lancashire, draper; first and final div.
- 1833, TINGLE Thomas, of Greenside in Ecclesfield, and of Sheffield, both in Yorkshire, iron-founder and steel-burner; div.
- 1831, UNDERWOOD George, of No. 32, Fleet-street, London, book-seller; final div.
- 1837, UNSWORTH William, of Derby, silk-lace manufacturer; div.
- 1837, WEST Thomas, of Keal Coates, Lincolnshire, draper and grocer; div.
- 1836, WHITTAKER John Williamson, of Bolton-le-Moors, Lancashire, flax-spinner; fur. div.
- 1834, WOOD Jacob, of Bolton-le-Moors, Lancashire, collier and timber-merchant; div.

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- 1835, LORYMER Samuel, of Bristol, brewer and starch-maker; second and final div.
- 1837, MERRIMAN Ann Hughes, of Leadenhall-street, London, and of Piccadilly, Middlesex, trunk and packing-case maker; div.
- 1837, NEALES John Bentham, of Plymouth, Devonshire, butter; div.
- 1837, PATTERSON Andrew, of Greenwich, Kent, music and musical instrument vender; div.
- 1837, PRESTON Thomas, of Cateaton-street, London, warehouseman; div.
- 1833, WRIGHT Charles, of Dover, Kent, innkeeper; fur. div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF JULY, 1837.

BANKRUPTS.

London Gazette, Tuesday, July 4, 1837.

TOWN AND COUNTRY FIATS.

- ASHWIN Charles, of Redditch, in the county of Worcester, linen-draper, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Danks, Birmingham. Fiat, June 24.
- AUDLEY William, of Newcastle-under-Lyme, in the county of Stafford, cabinet-maker and upholsterer, *d. c.*—Sols. Wards, Newcastle-under-Lyme, and White & Whitmore, Bedford-row. Fiat, June 29.
- BECKHAM Daniel, of Green Arbour-court, Old Bailey, in the city of London, stereotype founder, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sol. Goddard, Cateaton-street. Fiat, June 30.
- BRYANT George, of Winterbourne, in the county of Gloucester, maltster, *d. c.*—Sols. Peters, Bristol, and Jones, Crosby-square. Fiat, June 13.
- CHIESMAN John, of Leeds, in the county of York, victualler, *d. c.*—Sols. Wilson, Southampton-street, Bloomsbury-square, and Payne & Eddison, Leeds. Fiat, June 20.
- CLOUGH Samuel, of Leeds, in the county of York, timber-merchant, *d. c.*—Sols. Woodhouse & Co. Temple, and Stott, Leeds. Fiat, June 21.
- DAY Robert, of Melcombe Regis, in the county of Dorset, grocer.—Bridge, Dorchester, and Sandys & Pearson, Serjeants' Inn. Fiat, June 28.
- DURY Jonathan, of the town of Kidderminster, in the county of Worcester, grocer, *d. c.*—Sols. White & Whitmore, Bedford-row, Strickland & Son, Bristol, Michael, Red Lion-square, and Bird & Saunders, Kidderminster. Fiat, June 15.
- HENRY John, of the borough of Helston, in the county of Cornwall, grocer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Rogers, Helston. Fiat, June 23.
- HOWELL John, and John William Hentig, the younger, of the city of Gloucester, and of the city of Worcester, merchants and copartners, *d. c.*—Sols. Weedon & Addison, Gloucester, and Bousfield, Guildhall-buildings. Fiat, June 29.
- KILSHAW Henry, of Edenfield, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Milne & Co. Temple, and Slater & Heelis, Manchester. Fiat, June 6.
- OULTON John, of Ashton-under-Lyne, in the county of Lancaster, corn, flour, and porter dealer.—Sols. Fox, Finsbury-circus, and Earle, Ashton-under-Lyne. Fiat, June 27.
- ROWLING Joseph, of School-close, in Leeds, in the county of York, stuff-dyer, *d. c.*—Sols. Ridsdale & Craddock, Gray's Inn-square, and Uptons & Clapham, Leeds. Fiat, June 28.
- SMITH Thomas, the elder, of Union-street, Brighton, in the county of Sussex, plumber and glazier, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Gregson, Angel-court, Throgmorton-street. Fiat, July 1.
- STARLING Joseph, of Warminster, in the county of Wilts, hatter, *d. c.*—Sols. Chapman, Warminster, and Holme & Loftus, New Inn. Fiat, June 15.

Gazette, Friday, July 7.

BANKRUPTCIES SUPERSEDED.

- GRINDON Thomas Evans, of Bristol, tiler, plasterer, and painter.
- TURNER Thomas, of Otley, currier.
- VINEY William, of Tiverton, currier.

d. c. dealer and chapman.

7. BANK. 1837.

TOWN AND COUNTRY FIATS.

- BALSOM John, of Newton Abbott, in the county of Devon, cabinet-maker and builder, *d. c.*—Sols. Keddell & Baker, Fenchurch-street, and Stogdon, Exeter. Fiat, June 14.
- BOWDIDGE Edward, of Cheltenham, in the county of Gloucester, *d. c.*—Sols. Bubb & Lingwood, Cheltenham, and Roy & Co. Liverpool-street. Fiat, July 3.
- BUTTERWORTH Joseph, of Ridge, in Saddleworth, in the county of York, merchant, woollen-manufacturer, *d. c.*—Sols. Whitehead & Barlow, Oldham, and Milne & Co. Temple. Fiat, June 29.
- DON Thomas, of Lower James-street, Golden-square, and of Shore-ditch, in the county of Middlesex, baker, *d. c.*—Official assignee, Goldamid, Ironmonger-lane.—Sol. Boszon, Union-court, Broad-street. Fiat, July 3.
- DOWN Daniel, and Joseph Down, of High Holborn, and of the Strand, both in the county of Middlesex, and of Bread-street, Cheapside, in the city of London, hatters, *d. c.* and copartners.—Official assignee, Turquand, Copthall-buildings.—Sols. Adlington & Co. Bedford-row. Fiat, July 5.
- ELLAM William, of Ashborne, in the county of Derby, tobacco and colour manufacturer, *d. c.*—Sols. Fox, Ashborne, and Abbott & Arney, Charlotte-street, Bedford-square. Fiat, June 29.
- HAYWARD William, and Cornelius Helier, of No. 135, Long-acre, in the county of Middlesex, carriage-builders, *d. c.* and copartners.—Official assignee, E. Edwards, Pancras-lane.—Sol. Body, Tokenhouse-yard. Fiat, July 4.
- HUGHES Edward Joseph, of Bengal-street, Manchester, in the county of Lancaster, coal-merchant, and stone-dealer, *d. c.*—Sols. Scott, Lincoln's Inn-fields, Greenhalgh, Manchester, and Lees, same place. Fiat, June 6.
- JONES William, of No. 38, Manchester-street, in the parish of St. Marylebone, and of No. 9, North Audley-street, in the parish of St. George, Hanover-square, in the county of Middlesex, chemist and druggist.—Official assignee, E. Edwards, Pancras-lane.—Sols. Pering & Minet, Lawrence Pountney-place. Fiat, July 6.
- LOWNSBOROUGH John, John Rocliffe Lee, and Thomas Williams, of Liverpool, in the county of Lancaster, silk-mercens and linen-draper, (latey trading at Liverpool aforesaid, under the firm of Lownsbrough, Lee, & Williams.)—Sols. Peacock, Liverpool, and Brackenbury, Manchester. Fiat, June 21.
- MAPP John, of Birmingham, in the county of Warwick, timber-merchant, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Lefevre, Birmingham. Fiat, June 20.
- MAY William, of Manchester, in the county of Lancaster, innkeeper, *d. c.*—Sols. Owen, Manchester, and Rodgers, Devonshire-square. Fiat, July 1.
- PHILLIPSON George Burton, formerly of No. 48, Hertford-street, May-fair, Piccadilly, in the county of Middlesex, chemist and druggist, but now of No. 21, Savage-gardens, Tower-hill, in the city of London, beer and spirit merchant, *d. c.* and latey in partnership with Thomas Macnamara Russell, of Savage-gardens aforesaid, beer and spirit merchant, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Ullithorne, Red Lion-square. Fiat, July 4.
- PLACE Francis, of Leeds, in the county of York, tinman and brazier, *d. c.*—Sols. Robinson & Barlow, Essex-street, and Ward, Leeds. Fiat, June 30.
- SCHOFIELD Moses, of Thurston, in Saddleworth, in the county of York, clothier, *d. c.*—Sols. Whitehead & Barlow, Oldham, and Milne & Co. Temple. Fiat, June 22.
- STARLING Joseph, of Warminster, in the county of Wilts, hatter, *d. c.*—Sols. Chapman, Warminster, and Holme & Loftus, New Inn. Fiat, June 15.

TIMS John, of the borough of Warwick, in the county of Warwick, bricklayer, builder, *d. c.*—Sols. Burbury & Co. Warwick and Leamington. Fiat, June 24.

WRIGHT John, the younger, of Stockport, in the county of Chester, currier, *d. c.*—Sols. Coppock, Cleveland-row, St. James's, and Coppock & Woollam, Stockport. Fiat, June 13.

Gazette, Tuesday, July 11.

TOWN AND COUNTRY FIATS.

ANDREW Ralph, and Allan Andrew, of Ashton-under-Lyne, in the county of Lancaster, cotton-spinners, *d. c.* and copartners.—Sols. Willis & Co. Tokenhouse-yard, and Joynson, Manchester. Fiat, June 16.

AUSTIN William, of the White Hart Tavern, Abchurch-lane, in the city of London, tavern-keeper and licensed victualler.—Official assignee, W. Whitmore, Basinghall-street.—Sol. Parry, St. Swithin's-lane. Fiat, July 7.

BRUFORD Thomas, of the borough of the city of Bristol, coach-builder, *d. c.*—Sols. Adlington & Co. Bedford-row, and Cary & Cross, Bristol. Fiat, June 5.

COOMBE John, of the city of Exeter, ironmonger, *d. c.*—Sols. Clarke & Medcalfe, Lincoln's Inn-fields, and Harley, jun. Bristol. Fiat, July 5.

ELLAM William, the younger, of Birmingham, in the county of Warwick, patent cock-founder, *d. c.*—Sols. Biggs, Southampton-buildings, and Haywood, Birmingham. Fiat, July 4.

ELLIOTT William, of the town of Northampton, in the county of Northampton, carpenter and builder, beer-seller, *d. c.*—Sols. Markham, Northampton, and King & Co. Tokenhouse-yard. Fiat, June 30.

FISH Peter, of Lisle-street, Leicester-square, in the county of Middlesex, boot and shoe manufacturer, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Nias, Cophall-court. Fiat, July 7.

LOCKETT Thomas, of Manchester, in the county of Lancaster, engraver, *d. c.*—Sols. Makinson & Sanders, Middle Temple, and Hadfield, Manchester. Fiat, July 4.

MEAR William, and Stephen Mear, both of the city of Norwich, carpenters, builders, *d. c.* and copartners.—Sols. Savell & Co. Norwich, and Ward, Lincoln's Inn-fields. Fiat, June 24.

MILNES Thomas Brown, and Robert Cowen, of the town and county of the town of Nottingham, iron and brass founders, ironmongers, *d. c.* and copartners.—Sols. Johnson & Co. Temple, and Cursham & Campbell, Nottingham. Fiat, July 7.

OWEN John, of Red Wharf, in the island of Anglesea, in the principality of Wales, draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, July 5.

PRESTON Thomas, of Manchester, in the county of Lancaster, draper, *d. c.*—Sols. Morris, Manchester, and Adlington & Co. Bedford-row. Fiat, July 6.

ROSE Joseph, of Bow-lane, in the city of London, auctioneer, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Green, Basinghall-street. Fiat, July 6.

RUSSELL James, of Tidnor Mill, in the parish of Lugwardine, in the county of Hereford, and of the township of Tupsley, in the county of Hereford, miller, corn-dealer, *d. c.*—Sols. Simpson & Moore, Furnival's Inn, and Bodenham & Co. Hereford. Fiat, June 12.

SMITH William, and George Smith, both of Manchester, in the county of Lancaster, millwrights, engineers, *d. c.* and copartners.—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, June 27.

SWINBURN John, of Liverpool, in the county of Lancaster, cabinet-maker and upholsterer, *d. c.*—Sols. J. Cornthwaite, Liverpool, and D. Cornthwaite, Dean's-court, Doctor's-commons. Fiat, July 6.

WILLIAMS John, of the town of Abergavenny, in the county of Monmouth, cabinet-maker, upholsterer, auctioneer, *d. c.*—Sols. Price, Abergavenny, and Bridges & Mason, Red Lion-square, Fiat, June 29.

Gazette, Friday, July 14.

BANKRUPTCY ENLARGED.

REYNOLDS Richard, of Leeds, bill-broker.

TOWN AND COUNTRY FIATS.

ARROWSMITH Joseph, of Birmingham, in the county of Warwick, japanner, *d. c.*—Sols. Norton & Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, June 28.

BARBER George, of Manchester, in the county of Lancaster, baker and provision-dealer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Chew, Manchester. Fiat, July 7.

BEVERLY Henry, of Manchester, in the county of Lancaster, horse-dealer, *d. c.*—Sols. Townsend, Manchester, and Hall & Co. Gray's Inn. Fiat, July 3.

CARVER William, of Horsforth, and also of Idle, in the county of York, grocer, draper, flour-dealer, and shopkeeper, *d. c.*—Sols. Bignold & Co. New Bridge-street, and Wood, Leeds. Fiat, July 5.

DICKINSON William, and Thomas Throp, both of Blackburn, in the county of Lancaster, iron-founders and machine-makers, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Haworth, Blackburn. Fiat, June 22.

HARDMAN John, of Kearsley, in the county of Lancaster, shopkeeper, retailer of beer, *d. c.*—Sols. Barker, Gray's Inn-square, and Woodhouse & Holden, Bolton. Fiat, July 7.

HAWORTH George, of Crawshaw Booth, in the parish of Whaley, in the county of Lancaster, and William Haworth, of Manchester, in the county of Lancaster aforesaid, carrying on business at Manchester aforesaid, in copartnership as calico-printers and warehousemen, *d. c.* under the firm of George and William Haworth.—Sols. Baxter, Lincoln's Inn-fields, and Sale, Manchester. Fiat, July 11.

HOLLAND Thomas, of Birmingham, in the county of Warwick, iron-tube manufacturer, *d. c.*—Sols. Fox, Ashbourne, and Abbott & Arney, Charlotte-street, Bedford-square. Fiat, June 27.

MINSHALL Thomas, of Worthing, in the county of Sussex, broker and auctioneer, *d. c.*—Sols. Edmunds, Worthing, and Waugh & Fisher, Great James-street. Fiat, July 7.

MORGAN David, the younger, of Machynlleth, in the county of Montgomery, draper, *d. c.* (trading in the name of David J. Morgan).—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, June 28.

PILGRIM William, and Richard Pilgrim, of the town of Nottingham, drapers and copartners, *d. c.*—Sols. Forster, Lawrence Pountney-place, and Bradshaw, Nottingham. Fiat, July 7.

UPWARD Henry, of Great St. Helen's, in the city of London, wine-merchant, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Owen & Dixon, Mark-lane. Fiat, July 12.

WATERFIELD Elizabeth, of Dunstable, in the county of Bedford, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sols. Williamson & Austin, Luton, and Taylor, Featherstone-buildings. Fiat, July 13.

Gazette, Tuesday, July 18.

BANKRUPTCY SUPERSEDED.

EMANUEL Joseph, of Birmingham, jeweller.

TOWN AND COUNTRY FIATS.

BARNESLEY John, of Wolverhampton, in the county of Stafford, builder, *d. c.*—Sols. Robinson, Wolverhampton, and Capes, Gray's Inn. Fiat, June 26.

BROWN Sarah, of Trinity-street, in the town of Cambridge, in the county of Cambridge, butcher.—Sols. Adcock, Cambridge, and Egan & Co. Essex-street, Strand. Fiat, July 11.

CALVERT William, of Worthing, in the county of Sussex, woollen-draper and tailor.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Reed, Bread-street. Fiat, July 12.

CARTER John, of Rumbridge, in the parish of Easing, in the county of Southampton, tanner, *d. c.*—Sols. Thompson, Chancery-lane, and Brown, Lymington. Fiat, July 11.

FISHER John, of Manchester, in the county of Lancaster, calico-printer and warehouseman, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, July 14.

GOUGH John Wood, late of Dursley, in the county of Gloucester, stationer, *d. c.*—Sols. Pope, Gray's Inn-square, and Bishop, Dursley. Fiat, July 10.

IRVINE George, of New Shoreham, in the county of Sussex, timber-merchant, *d. c.*—Sols. Bennett, Brighton, and Dax & Bicknell, Lincoln's Inn-fields. Fiat, July 14.

JONES Richard, the younger, of Newtown, in the county of Montgomery, draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, June 28.

LEWIS Seth Phillips, of the Dark-gate, in the county of the borough of Carmarthen, draper, *d. c.*—Sols. Morris & Jones, Carmarthen, and Chilton, Chancery-lane. Fiat, June 20.

PORTER Sinckler, of the city of Chester, attorney-at-law, solicitor, and money-scrivenor.—Sols. Hignett, Chester, and Philpot & Son, Southampton-street, Bloomsbury. Fiat, June 23.

ROSE William, of Batt's Hotel, Dover-street, Piccadilly, in the county of Middlesex, hotel-keeper, wine-merchant, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Sydney, New London-street. Fiat, July 13.

SCHAAP John Michael, and John Dankaerts, of No. 11, George-street, Minorities, in the city of London, merchants, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sol. Foster, Philpot-lane. Fiat, July 15.

TABBERER Thomas, of Birmingham, in the county of Warwick, cheesemonger, *d. c.*—Sols. Sharpe & Co. Bedford-row, and Arnold, Uttoxeter. Fiat, July 10.

WAGNER George, of Southampton-street, Strand, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sols. Turner & Hensman, Basing-lane. Fiat, July 15.

WOOD Michael, of Manchester, in the county of Lancaster, boiler-maker, *d. c.*—Sols. Johnson & Co. Temple, and Kershaw, Manchester. Fiat, July 4.

Gazette, Friday, July 21.

BANKRUPTCY SUPERSEDED.

GITTON Thomas, of Bridgnorth, money-scrivenor.

TOWN AND COUNTRY FIATS.

FISHER George, of Bradford, in the county of York, linen-draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, June 27.

HARDWICK Samuel, of Birmingham, in the county of Warwick, builder, *d. c.*—Sols. Battye & Co. Chancery-lane, and Webb & Dolphin, Birmingham. Fiat, May 31.

HARRIS Joseph, of Sandhill, Newcastle-upon-Tyne, in the county of Northumberland, bookseller, newsvender, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sol. Williams, Gray's Inn-square. Fiat, June 27.

HATCH Thomas, and Richard Hatch, both of Eccleston, near Croston, in the county of Lancaster, calico-printers, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Howard & Harris, Preston. Fiat, June 30.

JOHNSTON John, of Sheffield, in the county of York, mason and builder, *d. c.*—Sols. Fiddy, Serjeants' Inn, and Branson, Sheffield. Fiat, July 14.

MACHELL Maria, and Charles Machell, of Fountain Stairs, Bermondsey, in the county of Surrey, potters.—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Bevan, Old Jewry. Fiat, July 19.

MACLEAN Edward, late of Cheltenham, in the county of Gloucester, general dealer, *d. c.*—Sols. Dax & Bicknell, Lincoln's Inn-fields, and Packwood & Leeds, Cheltenham. Fiat, July 5.

WILLIAMS John Bish, of No. 138, Regent-street, in the parish of St. James, Westminster, in the county of Middlesex, stationer.—Official assignee, Pennell, Basinghall-street.—Sol. Harden, Clifford's Inn-passage. Fiat, July 18.

Gazette, Tuesday, July 25.

TOWN AND COUNTRY FIATS.

BARNETT Thomas, the younger, of Wolverhampton, in the county of Stafford, ironmonger, *d. c.*—Sols. Rickards & Walker, Lincoln's Inn-fields, and Foster, Wolverhampton. Fiat, July 19.

BIRD John Goodwin, of the town of Bridgend, in the county of Glamorgan, stationer and grocer.—Sols. Hornby & Towgood, St. Swithin's-lane, and Towgood, Cardiff. Fiat, July 4.

COOK Thurston, of the town of Shrewsbury, in the county of Salop, grocer, *d. c.*—Sols. Cooper, Shrewsbury, and Ronalds, Gray's Inn-square. Fiat, July 15.

ELDRIDGE William, of the Swan Hotel, Hastings, in the county of Sussex, hotel-keeper and brick-maker, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Slee, Parish-street, Southwark. Fiat, July 20.

GODWIN John, late of the town of Monmouth, in the county of Monmouth, butcher, and cattle and sheep salesman, *d. c.*—Sols. Galindo, Monmouth, and Berkeley, Lincoln's Inn New-square. Fiat, July 4.

HUTCHINSON Richard, of Manchester, in the county of Lancaster, merchant and commission agent, also carrying on the business of a cotton manufacturer, at Portwood, near Stockport, in the county of Chester.—Sols. Makinson & Sanders, Middle Temple, and Atkinson & Co. Manchester. Fiat, July 20.

INMAN Richard, of St. James's-street, Brighthelmston, in the county of Sussex, grocer, provision-merchant, *d. c.*—Sols. Benson, Brighton, and Freeman & Bothamley, Coleman-street. Fiat, July 18.

LEWIS William, of Birmingham, in the county of Warwick, hosier and haberdasher, *d. c.*—Sols. Holme & Loftus, New Inn, and Parker & Lowe, Birmingham. Fiat, July 19.

MACCRACKEN Ross, of Manchester, in the county of Lancaster, flour and provision dealer, baker, shopkeeper, *d. c.*—Sols. Johnson & Co. Temple, and Hitchcock, Manchester. Fiat, July 20.

MALTBY Thomas, of Lawrence Pountney-hill, in the city of London, and of Upper-side, Waterloo-bridge, in the parish of St. Mary, Lambeth, in the county of Surrey, lead-merchant, *d. c.* (trading under the firm of Thomas Maltby, Son & Company).—Official assignee, W. Turquand, Copthall-buildings.—Sols. Swain & Co. Frederick's-place. Fiat, July 22.

MANDE Gideon, of Wetherby, in the county of York, money-scrivenor, *d. c.*—Sols. Lees, Leeds, and Hardwick & Davidson, Lawrence-lane. Fiat, July 1.

TIMMINS Samuel, of Birmingham, in the county of Warwick, brass-founder, *d. c.*—Sols. Bigg, Southampton-buildings, and Haywood, Birmingham. Fiat, July 4.

WILLIAMS John, of Cardiff, in the county of Glamorgan, draper, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Parker, St. Paul's-churchyard. Fiat, July 12.

Gazette, Friday, July 28.

TOWN AND COUNTRY FIATS.

BASSETT Stephen, and Edward Bassett, of the Bristol Arms, Tunbridge Wells, in the county of Kent, hotel-keepers and copartners.—Official assignee, E. Edwards, Pancras-lane.—Sol. Slee, Parish-street, Southwark. Fiat, July 26.

CAINE John, of Stockport, in the county of Chester, boot and shoe maker, *d. c.*—Sols. Bower & Back, Chancery-lane, and Lingard & Co. Stockport. Fiat, July 14.

DADSWELL Edward, of Shrewsbury, in the county of Salop, grocer and tea-dealer.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Cattlin, Ely-place. Fiat, July 15.

ESBORTH Henry James, of Nunn-court, Coleman-street, in the city of London, wool-broker, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Gore, Bucklersbury. Fiat, July 27.

ETHERIDGE James Cox, of Yeovil, in the county of Somerset, chemist, druggist, and grocer, *d. c.*—Sols. Vining, Yeovil, and Douglas & Cragg, Gray's Inn. Fiat, July 21.

GEORGE Charles, of No. 45, Hunter-street, Old Kent-road, in the county of Surrey, hatter, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Goddard, Wood-street, Cheapside. Fiat, July 27.

GRIFFITHS John, of the parish of Astley, in the county of Worcester, hallier, *d. c.*—Sols. Smith, Chancery-lane, and Hill & Daniel, Worcester and Kidderminster. Fiat, July 20.

GRIFFITHS John, of the town of Swansea, in the county of Glamorgan, victualler, *d. c.*—Sols. Draper, Sherrard-street, Golden-square, and Westlake, Swansea. Fiat, July 22.

IRELAND Thomas, the elder, of Newton Vale, in the county of Lancaster, and John Harrison, of Manchester, in the said county of Lancaster, dyers, *d. c.* and copartners.—Sols. Kay & Co. Manchester. Fiat, July 18.

KNIGHT James, of Stourport, in the hamlet of Lower Milton, in the county of Worcester, tailor, *d. c.*—Sols. Jeyes & Smith, Chancery-lane, and Hill & Daniel, Worcester and Kidderminster. Fiat, July 7.

OWEN Samuel, of Nantwich, in the county of Chester, mercer, draper, *d. c.*—Sols. Milne & Co. Temple, and Bent, Manchester. Fiat, June 27.

SMITH David, of Smithy Mills, in the township of Addle-cum-Eccup, in the county of York, corn-miller, *d. c.*—Sols. Battye & Co. Chancery-lane, and Naylor, Leeds. Fiat, July 11.

WIDNELL Henry, of Kidderminster, in the county of Worcester, carpet-manufacturer, *d. c.*—Sols. Michael, Red Lion-square, Bird & Saunders, Kidderminster, Dangerfield, Lincoln's Inn-fields, and Brinton, Kidderminster. Fiat, July 20.

CERTIFICATES TO BE ALLOWED:

July 25.—Gazette, July 4.

Denston John Henry, of Liverpool, merchant, (partner with George Edward Moulson and Thomas Peirson).
Gresham George, of Hull, cloth-merchant and tailor.
Mileham John, of Oxford-street, grocer.
Trye James Henry, and Samuel Lightfoot, of Great St. Helen's, merchants.

July 28.—Gazette, July 7.

Burfield Thomas, James Breeds, and Charles Burfield, jun., of Hastings, brewers, and coal, porter, and timber merchants.
Iredale William, of Ranskill, Notts, horse-dealer.
Maybury William, of Manchester, merchant.
Ramsbotham Joseph, and Edward Ramsbotham, of Chew Moor, Lostock, Lancashire, cotton-spinners.
Richardson Richard, of Birmingham, victualler.
Scarr Renforth Thomas, jun., of Bishop's Stortford, surgeon.
Wilby Robert, of Park-street, Islington, ship-owner and merchant.
Wray Martin Osterfield, of Holborn-hill, chemist.

August 1.—Gazette, July 11.

Fryer James Parkin, of St. Michael's-alley, Cornhill, tavern-keeper.
Marsh John, of Liverpool, timber-merchant.
Stitt David Patterson, of Taunton, linen-draper.

August 4.—Gazette, July 14.

Barrow Samuel, of Stockport, corn-dealer.
Cram John, of Northfleet and Dartford, and Whitefriars New Wharf, coal-merchant.
Francis Francis Gittins, of George-yard, Lombard-street, wine-merchant.
Solly Isaac, and Isaac Solly, jun., of St. Mary Axe, merchants.

August 8.—Gazette, July 18.

Burbidge George, of King William-street, fancy-stationer.
Calvert Charles, of Manchester, picture-dealer.
Collison John Webb, and George Webb Collison, of the Quadrant, linen-draper.
Condon John, late of Birmingham, but now of Bedford-row, brick-maker.
Cussons Thomas, jun., of Manchester, cotton-spinner, (partner with Thomas Cussons, sen., and George Cussons).
Finch George William, of Devonshire-place, Newington, coach-proprietor.
Foster Thomas, and Edward Sills Foster, of Yalding, maltsters.

Hawkins Charles Edward, of Crown-street, Soho, victualler.
Isenmonger Thomas Tupper, of Littlehampton, merchant and ship-builder.

Knowles William, of Hyde, Cheshire, cordwainer and clothesman.
Price Thomas, of Margaret-street, Cavendish-square, patent axle-tree maker.

August 11.—Gazette, July 21.

Banks Thomas, of Greta Mills, near Keswick, valentia manufacturer.
Cannon Robert, of Southampton-row, Bloomsbury, job-master.
Carr Thomas, and William Hartley Carr, of Dewsbury, woollen manufacturers.

Lauder William Preston, of Sloane-street, surgeon.
Palmer Thomas, of Upper Porchester-street, Edgware-road, commission agent.

Parr Edmund, of Gloucester, mercer.
Passey Samuel, of Birmingham, stationer.

August 15.—Gazette, July 25.

Beckett Thomas, of Norbury, Cheshire, cheese-factor.
Chappell Abel Sparrow, of Walbrook, plumber.
Haines William Filkes, of Leamington, surgeon.
Perkin William, of Uttoxeter, timber-merchant.
Rolling Robert, of Watling-street, and Ludgate-hill, cheesemonger.
Taylor Charles, of Aston, maltster.

August 18.—Gazette, July 28.

Boys Henry, of Beaumont-street, Marylebone, music-seller.
Cox William James, of Castle-street, Southwark, hat-manufacturer.
Hewes Philip, of Bury St. Edmund's, grocer and tallow-chandler.
Higgs Daniel, of Wickwar, Gloucestershire, innholder and baker.
Jones William, of Shrewsbury, shoe-maker.
Robinson William, of Manchester, commission-agent.
Smith Henry, of Ledbury, grocer.
Stamper William, of Cockermouth, tin-plate worker.
Yates Saul, of Bury-court, St. Mary Axe, bill-broker.

DIVIDENDS.

Gazette, July 4.

Date of Fiat.

1835, BARBER James, of Hungerford-market, Middlesex, victualler; div.

1835, BARBER Robert, of Cambridge, grocer and chinaman; final div.

1837, BAYLISS Thomas, of No. 282, Strand, Middlesex, smith and ironmonger; div.

1835, BEARDMORE George, of Burslem, Staffordshire, builder and carpenter; div.

1837, BEDFORD George, of Keppel-street, Chelsea, Middlesex, grocer, and also carrying on business as a grocer, at East-street, Leader-street, Chelsea; div.

1836, BIRKS Thomas Phillips, and George Grundy, now or late of Bury, Lancashire, manufacturers of oil of vitriol; first and final sep. div. of Grundy.

1837, CATLIFF William, of Wisbeach, Cambridgeshire, draper; div.

1830, COOPER Thomas, of East Dereham, Norfolk, merchant; div.

1836, DOUGLAS Henry Alexander, of Winchester House, Old Broad-street, London, merchant; div.

1836, EDMONDS Thomas, of Fleet-street, London, victualler; final div.

1837, HOPTON Joseph, Edwin Wood Peniston, James Peniston, and Charles Rose, of Leeds, Yorkshire, dyers and stuff-merchants; div.

1837, HORROCKS George, and William Martin, both of Salford, Lancashire, finishers and machine makers; first div., and first and final div. of Horrocks.

1811, RAINEY Robert, of Sise-lane, London, merchant; final div. of Hunters, Rainey & Co.

1837, RICHARDSON George, of the Quadrant, Regent-street, Middlesex, linen-draper; final div.

Date of Fiat.

- 1806, SINCLAIR Archibald, of Castle-street, Birchin-lane, London, merchant and insurance broker; final div.
 1837, SKAIFE William, of Halifax, Yorkshire, linen-draper and silk-mercer; div.
 1834, SMALPAGE Robert, of Leeds, Yorkshire, tailor and draper; fur. div.
 1836, SMITH George, of Manchester, Lancashire, beer-seller; div.
 1837, SOLLY Isaac, and Isaac Solly, the younger, of St. Mary Axe, London, merchants; div.
 1837, STEPHENS John Merrett, of Gloucester, banker; div.
 1836, WELCH Thomas, and John Sells, both of New Islington, in Ancoats, Manchester, Lancashire, cotton-spinners and manufacturers; first and final sep. div. of Sells.

Gazette, July 7.

- 1835, BELL Christopher Robinson, of Leeds, Yorkshire, cloth-merchant; first and final div.
 1836, BUCKLE Joseph, of Walton-hill, in Deerpark, Gloucestershire, cattle-dealer; div.
 1834, COLBOURNE John, of Sturminster Newton Castle, Dorsetshire, and of Poole, merchant, (carrying on also business in co-partnership with Thomas Best, of Hazelbury Plucknett, Somersetshire, at Sturminster Newton Castle aforesaid, as bankers); final div.
 1837, FLETCHER James Sandford, the younger, of Portsea, Southampton, grocer; first and final div.
 1832, MABERLY John, of Bread-street, Cheapside, London, and also of John-street, Berkeley-square, Middlesex, banker; div.
 1837, MEREFIELD Charles, of Bristol, grocer; first and final div.
 1837, SCOTT Octavius, of Margate, Kent, boarding and lodging house keeper; div.
 1832, SMITH Joseph, of Bristol, merchant; first and final div.
 1837, VERTUE Thomas, of Woodbridge, Suffolk, merchant; div.
 1834, VOUTIER François, of No. 13, Rue de Cléry, Paris, France, merchant; div.

Gazette, July 11.

- 1836, ABERCROMBIE Mary Ann, and William Henry Abercrombie, both of Goodge-street, Tottenham-court-road, Middlesex, brass-founders; final div.
 1837, BAILEY Adam, of St. Neots, Huntingdonshire, grocer; div.
 1837, CAMPBELL Robert, of Deritend, Warwickshire, brass-founder and fire-brasses manufacturer; div.
 1835, CARTER Jeremiah, of No. 57, Coleman-street, London, woollen-warehouseman; div.
 1837, EDWARDS John, the younger, of Brighton, Sussex, grocer; final div.
 1837, PARR Edmund, of Gloucester, mercer and draper; div.
 1835, SAWYER George William, of Brighton, Sussex, builder; final div.
 1837, SHUKER Joseph, of Shrewsbury, Salop, grocer; div.
 1837, SPENCER Christopher, of the Cornish Mount Tavern, on the Quay, in St. Stephen, Bristol, victualler; div.
 1837, THRELFALL James, of Leeds, Yorkshire, stuff-merchant; first and final div.
 1836, TORY George Pelly, of Exeter, linen-draper; final div.
 1837, WHEELER John Hall, of Hoxton-square, Middlesex, baker; div.
 1835, WICKLY Samuel Rawson, of Axminster, Devonshire, carpet-manufacturer; fur. div.

Gazette, July 14.

- 1812, BLAGBOROUGH Samuel, of Leeds, Yorkshire, merchant; final div.
 1837, HARVEY George, of Springfield, Essex, carpenter and builder; div.
 1834, MOODY William, of Caistor, Lincolnshire, scrivener; fur. div.

Date of Fiat.

- 1817, PARKER William, of Leeds, Yorkshire, merchant; final div.
 1837, RAYBOULD Benjamin, of Sedgely, Staffordshire, victualler and huckster; first and final div.
 1835, TURLEY Richard, of the Highfields Iron Foundry, Bilston, Staffordshire, iron-master; div.
 1837, WESTLEY Frederick, and Abraham Hopkins Davis, of Stationers' Hall-court, London, booksellers; joint div., and final sep. divs. of each.
 1837, WILDEBOER Anthony, and John Kuck, of London-street, Fenchurch-street, London, merchants; div.
 1835, WILLINGTON Stephen, the younger, of Shirehampton, in Westbury-upon-Trim, Gloucestershire, innholder; div.

Gazette, July 18.

- 1829, BIGGS Thomas Chandler, of Russia-row, London, silk-manufacturer; final div.
 1831, COOPER James, of Liverpool, Lancashire, bone-dealer and coal-merchant; first and final div.
 1836, DODD Thomas, the younger, of Finchfield, Essex, plumber and glazier; div.
 1837, FOWLER Matthias, of Lympington, Southampton, wine-merchant and victualler; div.
 1836, HOMAN Benjamin, of St. Leonard's, Hastings, Sussex, builder; div.
 1837, KAY Samuel, of Heaton Norris, Lancashire, victualler; first and final div.
 1837, MAGIN Arthur, of Ruthin, Denbighshire, linen-draper; div.
 1837, MEDLEY William, and Arthur Ouvry Medley, of Aylesbury, Buckinghamshire, of Uxbridge, Middlesex, and of Windsor, Berkshire, bankers; div.
 1837, NORMAN Samuel, of Princes-street, Leicester-square, Middlesex, silversmith and pawnbroker; div.
 1837, PERRY Richard, of Bath, Somersetshire, victualler; div.
 1837, POTTS Henry, of Valentine-terrace, Blackheath-road, Kent, builder; div.
 1837, RAMUZ Alexander, of Frith-street, Soho-square, Middlesex, cabinet-maker and upholsterer; div.
 1832, RITCHIE James, of East-lane, Walworth, in St. Mary, Newington, Surrey, and of East-lane, in St. George, Southwark, baker and coal-merchant; div.
 1830, ROBERTS Charles, of Leeds, Yorkshire, clock-maker; first and final div.
 1837, RUDMAN Joel, of Bath, Somersetshire, fruiterer; div.
 1837, WILLIAMSON Benjamin, of Middleton, Lancashire, iron-founder; div.
 1834, WRIGHT John, and James Wright, carrying on business under the firm of John and James Wright, of Limehouse-hole, Middlesex, ship-chandlers and rope-merchants; div.

Gazette, July 21.

- 1833, ALLURED William, of Liverpool, Lancashire, tailor and draper; fur. div.
 1836, HAND William, of Molleston, Pembrokeshire, coal and culm merchant; final div.
 1837, HODGES Samuel, of Cirencester, Gloucestershire, veterinary surgeon, chemist and druggist; div.
 1832, LAWS John, of Great Yarmouth, Norfolk, linen-draper; second div.
 1837, LEES John, of Whitehall, in Wolstanton, Staffordshire, timber merchant; final div.
 1837, LEWIS Thomas, of Glanginwydd, in Llangirrig, Montgomeryshire, cheese-factor and butter-dealer; div.
 1835, LYONS Joseph Charles, of Liverpool, Lancashire, commission-merchant; fur. and final div.

Gazette, July 25.

Date of Fiat.

1837, ADAMS John Moore, of the Strand, Middlesex, jeweller and silversmith; div.

1837, BENJAMIN Jacob, of Jewry-street, Aldgate, London, watch-manufacturer; div.

1828, BLOXAM Sir Matthew, Thomas Wilkinson, and William Bloxam, of Gracechurch-street, London, bankers; final div.

1809, BLOXAM Sir Matthew, knight, of Gracechurch-street, London, banker; final div.

1826, DORNFORD Thomas, of Philpot-lane, London, wine-merchant; final div.

1837, GOUGH Thomas, of Minchinhampton, Gloucestershire, cloth-dealer; div.

1837, GREEN John, of Bushey, Hertfordshire, dealer in cattle; div.

1833, KINGSFORD John, of Barton, in St. Mary Northgate, Canterbury, miller; div.

1835, KINGSFORD Sampson, of Sturrey, Kent, miller; second div.

1837, LEES John, of Bilston, Staffordshire, draper and shopkeeper; div.

1828, LEVEN Meyer, and Michael Josepha, of Mansell-street, Goodman's-fields, merchants; final div.

1837, MARTIN George, of Iver, Bucks, shopkeeper; div.

1835, PARKIN Thomas, the younger, and Donald Brown, of No. 2, Hatton-court, Threadneedle-street, London, ship and insurance brokers; final joint div., and final sep. divs. of each.

1837, PEGG Harry, of the Royal Sussex Hotel, Tunbridge Wells, Kent, hotel-keeper; first div.

1837, POPPLEWELL Joseph, of Silkston, Yorkshire, butcher and potato merchant; div.

1836, WALKER George, and William Hague Walker, of Newcastle-upon-Tyne, stove, grate, and fender manufacturers; fin. div.

Date of Fiat.

1835, WHITTY Samuel Ramson, of Axminster, Devonshire, carpet-manufacturer; fur. div.

1836, WINDUS Arthur Edward, and Henry William Windus, of Skinner-street, Snow-hill, London, stationers; final div.

Gazette, July 28.

1837, ALEXANDER Edward, of Mill-street, Hanover-square, Middlesex, wine-merchant; div.

1836, ASPULL William, of Nottingham, music-seller; div.

1833, BEAUMONT Joseph, and Thomas Holt, of Cornhill, London, tailors and clothiers; fur. div.

1837, CLARKE John, of Liverpool, Lancashire, painter, plumber, and glazier; div.

1837, EMMETT John, and Arthur Emmett, of the Old Kent-road, Surrey, market-gardeners; div.

1837, GOTER Henry John, of New Bond-street, St. George, Hanover-square, Middlesex, fishmonger; div.

1837, HORSFALL John, of Leeds, Yorkshire, stuff-dyer and merchant; div.

1837, HOUSMAN William, of the Close, New Sarum, Wiltshire, scrivener; final div.

1836, KNOWLES John, of Birchin-lane, London, ship and insurance agent and broker; final div.

1818, RAINS John Soady, of Wapping-wall, Middlesex, merchant and biscuit-baker; final div.

1837, RICE Simon Peter, and Philip Rice, of Adde-street, London, warehousemen, and also of the Pavement, Finsbury, London, drapers; div.

1837, STUBBS Joseph, of Birmingham, Warwickshire, whip-manufacturer; div.

1837, TRYE James Henry, and Samuel Lightfoot, of Great St. Helen's, London, merchants; div.

1834, VAUDREY Alice, of Manchester, Lancashire, rectifier; final div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF AUGUST, 1837.

BANKRUPTS.

London Gazette, Tuesday, August 1, 1837.

TOWN AND COUNTRY FIATS.

- FROST Charles, of Chard, in the county of Somerset, draper, *d. c.*—Sols. Jenkins & Abbott, New Inn, and Clarke & Sons, Bristol. Fiat, July 7.
- HAYLES John, of No. 15, Kensington-gardens, Brighthelmstone, in the county of Sussex, builder and grocer, *d. c.*—Official assignee, Abbott, King's Arms-yard.—Sol. Neal, Threadneedle-street. Fiat, July 17.
- NIELD Daniel, the younger, of Shaw Edge, near Oldham, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Makinson & Sanders, Temple, and Atkinson & Co. Manchester. Fiat, July 26.
- RUSSELL Nathaniel, of Northallerton, in the county of York, flax-dresser, grocer, *d. c.*—Sols. Hall & Co. Verulam-buildings, and Hirst, Northallerton. Fiat, July 11.
- WESTON Warwick, of Gracechurch-street, in the city of London, merchant, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sols. Wood & Ellis, Corbet-court. Fiat, July 27.

Gazette, Friday, August 4.

BANKRUPTCIES SUPERSEDED.

- BEETHAM Edward, of Portsmouth Chambers, Lincoln's Inn-fields, bill-broker.
- CHIFNEY Samuel, of Wood Ditton, Cambridgeshire, livery-stable keeper.
- EMLEY James, of Liverpool, merchant and broker.
- FOSTER Charles, of Kingsbury, bill-broker.

TOWN AND COUNTRY FIATS.

- ARNOLD George, of Leamington Priors, in the county of Warwick, builder, *d. c.*—Sols. Ewington, Leamington, and Rushworths, Staple Inn. Fiat, July 29.
- BAGHOTT Sir Paul, of Bridgend Mills, near Stroud, in the county of Gloucester, clothier, trading under the firm of Paul Wathen & Company.—Sol. Housman, Basinghall-street. Fiat, Aug. 2.
- EADSON Samuel, and Ralph Kilvert, of Manchester, in the county of Lancaster, fustian manufacturers, *d. c.*—Sols. Appleby, King's-road, and Barker, Manchester. Fiat, July 29.
- FRANKLIN William, of Liverpool, in the county of Lancaster, sail-maker, ship-owner, *d. c.*—Sols. Holden, Liverpool, and Walmsley & Co. Chancery-lane. Fiat, July 7.
- JENKINS Jacob, of Vauxhall-road, in Birmingham, in the county of Warwick, builder.—Sols. Gatty & Turner, Red Lion-square, and Cresswell, Birmingham. Fiat, July 24.
- MOULE James, of Ardwick, in the parish of Manchester, in the county of Lancaster, common brewer, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Norris, Manchester. Fiat, July 6.
- NIGHT Nathaniel, of Abbott's Bromley, in the county of Stafford, draper, *d. c.* trading under the style and firm of Nathaniel Knight & Company.—Sols. Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, July 25.
- NEVILLE George, of East Bergholt, in the county of Suffolk, blacksmith, *d. c.*—Sols. Philbrick & Savill, Colchester, and Chilton, Chancery-lane. Fiat, July 18.
- OYES George, of Chippenham, in the county of Wilts, ironmonger, *d. c.*—Sols. Goldney, Chippenham, and Hillier & Co. Gray's Inn. Fiat, July 18.

d. c. dealer and chapman.

PICKARD James, of Wortley, in the parish of Leeds, in the county of York, clothier, *d. c.*—Sols. Robinson & Barlow, Essex-street, Strand, and Ward, Leeds. Fiat, July 25.

REYNOLDS William, the younger, of Savage-gardens, in the city of London, wine-merchant, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sol. Davison, Bread-street. Fiat, July 28.

RUSBY James, and William Hewdey, both of Leeds, in the county of York, coach-lace and girth-web manufacturers, whip-makers, *d. c.* and copartners in trade.—Sols. Dearborough & Young, Sise-lane, and Scholefield, Leeds. Fiat, July 15.

Gazette, Tuesday, August 8.

TOWN AND COUNTRY FIATS.

- BAMFORD John, of Abbott's Bromley, in the county of Stafford, maltster, *d. c.*—Sole. Chaplin, Gray's Inn-square, Smith & Buckell, Rugeley, and Harrison, Birmingham. Fiat, July 10.
- BENBOW Thomas, late of Cheltenham, in the county of Gloucester, draper, *d. c.*—Sols. Shirreff, Lincoln's Inn-fields, and Packwood & Leeds, Cheltenham. Fiat, Aug. 3.
- BERRY Samuel Blake, of No. 18, Greek-street, in the parish of St. Ann, Soho, in the county of Middlesex, perfumer, *d. c.*—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Springall & Co. Raymond-buildings. Fiat, Aug. 3.
- CLARK Thomas, of the town and port of Dover, in the county of Kent, master-mariner, *d. c.*, but at present a prisoner in her Majesty's prison of the Fleet.—Official assignee, Belcher, King's Arms-yard.—Sols. Coote & Co. Austin-friars. Fiat, Aug. 3.
- CLARK John, of Spalding, in the county of Lincoln, shoe-maker, currier, *d. c.*—Sols. à Beckett & Sympson, Lincoln's Inn-fields, and Holloway & Co. Boston. Fiat, July 28.
- DOUGLAS James, of Birmingham, in the county of Warwick, draper, *d. c.*—Sols. Baxters, Lincoln's Inn-fields, Colmore & Beall, Birmingham, and Sale, Manchester. Fiat, July 24.
- DOWNS Samuel, of Glemsford, in the county of Suffolk, blacksmith, *d. c.*—Sols. Wayman & Greene, Bury St. Edmunds, and Walter & Pemberton, Symond's Inn. Fiat, July 14.
- EVANS John, of Beddgelert, in the county of Carnarvon, shopkeeper, cattle-dealer, *d. c.*—Sols. Roberts, Carnarvon, and Lowe & Co. Southampton-buildings. Fiat, July 12.
- HILL Christopher, of Clarence-street, in the parish of St. Luke, in the county of Middlesex, brewer, *d. c.*—Official assignee, D. Cannan, Sambrook-court, Basinghall-street.—Sols. Hembury, Bedford-street, Bedford-square. Fiat, Aug. 2.
- M'CANN Thomas, of Great Malvern, in the county of Worcester, builder, *d. c.*—Sols. Allies, Worcester, and Grane, Bedford-row. Fiat, July 28.
- OGILVY George, of Kidderminster, in the county of Worcester, carpet-manufacturer, *d. c.*—Sols. Holme & Loftus, New Inn, and Talbot, Kidderminster. Fiat, July 29.
- POSTAN Thomas George, of No. 142, Aldersgate-street, in the city of London, auctioneer, appraiser, and undertaker.—Official assignee, W. Turquand, Copthall-buildings.—Sols. Broughton & Co. Falcon-square. Fiat, Aug. 7.
- SCOTT David, of Flint, in the county of Flint, iron and coal master, *d. c.*—Sols. Cox, Lincoln's Inn-fields, and Oldfield, Pendre, Holywell. Fiat, July 12.
- STANDEN James, of the Lion and Goat public-house, Grosvenor-street, in the county of Middlesex, victualler, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sol. Garrard, Suffolk-street, Pall-mall East. Fiat, Aug. 4.
- STATTERS William, and John Statters, both of Mellor, in the county of Lancaster, cotton-spinners, *d. c.* and copartners.—Sols. Adlington & Co. Bedford-row, and Winstanley & Co. Preston. Fiat, July 31.

Gazette, Friday, August 11.

BANKRUPTCIES SUPERSEDED.

CHAPMAN James, of Tunbridge, grocer and corn-dealer.

WALLIS William Henry, of Cardington-street, Hampstead-road, engraver and dealer in drawings.

TOWN AND COUNTRY FIATS.

CARDEN John, and **George Parkes**, of Liverpool, in the county of Lancaster, linen-draper, *d. c.*—Official assignee, **Abbott, King's Arms-yard**.—Sols. **Hardwick & Davidson**, Lawrence-lane. Fiat, July 12.

HARRIS Francis Wood, of No. 67, Hatton-garden, in the county of Middlesex, general hardware factor.—Official assignee, **J. F. Groom**, Abchurch-lane.—Sol. **Howlet**, Bartlett's-buildings. Fiat, Aug. 5.

HAYWARD Henry, of the city of Canterbury, coach-maker, *d. c.*—Sols. **Robins**, Furnival's Inn, and **Wilkinson**, Canterbury. Fiat, July 25.

HEWITT Robert, of Leamington Priors, in the county of Warwick, builder, *d. c.*—Sols. **Ewington**, Leamington, and **Rushworths**, Staple Inn. Fiat, Aug. 7.

HEWITT Samuel, and **Thomas Weatherby**, both of Manchester, in the county of Lancaster, and also of Handforth, in the county of Chester, calico-printers, *d. c.* and copartners, (carrying on business under the firm of **Hewitt, Weatherby & Company**).—Sols. **Hewitt**, Manchester, and **Neild**, King-street, Cheapside. Fiat, July 7.

HONEY John, of Redruth, in the county of Cornwall, linen-draper, *d. c.*—Sols. **Soles**, Aldermanbury, and **Pinder & Co.** Falmouth. Fiat, July 12.

MARSH Absalom, of Brentford, in the county of Middlesex, confectioner.—Official assignee, **Pennell**, Basinghall-street.—Sol. **Lang**, Fenchurch-street. Fiat, Aug. 8.

OSBORN Joseph, the younger, of Gainsborough, in the county of Lincoln, ironmonger, *d. c.*—Sols. **Scott**, Lincoln's Inn-fields, and **Plaskitt**, Gainsborough. Fiat, Aug. 1.

REYNOLDS Jonathan, the younger, of Coppice-row, Clerkenwell, in the county of Middlesex, brewer, *d. c.*—Official assignee, **E. Edwards**, Pancras-lane.—Sols. **Gresham & Miller**, Castle-street, Holborn. Fiat, Aug. 9.

SOUTHAM John, of Tillotson-place, Waterloo-road, in the county of Surrey, boarding-house keeper, *d. c.*—Official assignee, **W. Whitmore**, Basinghall-street.—Sols. **Rickards & Walker**, Lincoln's Inn-fields, and **Foster**, Wolverhampton. Fiat, Aug. 9.

Gazette, Tuesday, August 15.

TOWN AND COUNTRY FIATS.

DAWES Henry, of Great Malvern, in the county of Worcester, maltster, corn-factor, *d. c.*—Sols. **Bedford**, Calthorpe-street, and **Bedford & Pidcock**, Worcester. Fiat, July 19.

DONALD James, of the town and county of Newcastle-upon-Tyne, dealer in silver plate, plated goods, watches, and jewellery, *d. c.*—Sols. **Hoyle**, Newcastle, and **Meggison & Co.** King's-road, Bedford row. Fiat, Aug. 4.

FARMER Henry, of the city of Bath, in the county of Somerset, ironmonger, *d. c.*—Sols. **Dax & Bicknell**, Lincoln's Inn-fields, and **Drake**, Bath. Fiat, Aug. 8.

FELTHAM Richard, of the city of Bath, in the county of Somerset, oil and colour merchant, *d. c.*—Sols. **Dax & Bicknell**, Lincoln's Inn-fields, and **Drake**, Bath. Fiat, Aug. 8.

GORDON John Corson, of Manchester, in the county of Lancaster, *d. c.*—Sols. **Wheeler & Marriott**, Manchester, and **Walmsley & Co.** Chancery-lane. Fiat, Aug. 8.

JEWESSON Richard, of Fenchurch-street, in the city of London, merchant, *d. c.*—Official assignee, **D. Cannan**, Sambrook-court, Basinghall-street.—Sols. **Carter & Gregory**, Lord Mayor's Court office, Royal Exchange. Fiat, Aug. 11.

KENWORTHY James, **John Kenworthy**, **William Kenworthy**, and **Edward Kenworthy**, all of Quick, in Saddleworth, in the county of York, cotton and woollen manufacturers, and copartners, (trading under the firm of **William Kenworthy & Sons**).—Sols. **Makinson & Sanders**, Middle Temple, and **Atkinson & Co.** Manchester. Fiat, July 22.

PALMER John, of Coleshill, in the county of Warwick, scrivener.—Sols. **Smith**, Coleshill, and **Broughton & Co.** Falcon-square. Fiat, July 21.

POPE Henry, of East Retford, in the county of Nottingham, wine and spirit merchant, *d. c.*—Sols. **Makinson & Sanders**, Temple, Sewell, Chatteris, and **Newton**, East Retford. Fiat, July 24.

TURNER Stanhope, and **Jonas Pilling**, of Bolton-le-Moors, in the county of Lancaster, iron-founders and millwrights, *d. c.* and copartners.—[No solicitors stated.] Fiat, July 31.

WILLIAMS Thomas, of Newport, in the county of Monmouth, ropemaker, *d. c.*—Sols. **Crosby**, Bristol, and **Bicknell & Co.** Lincoln's Inn-fields. Fiat, Aug. 2.

Gazette, Friday, August 18.

BANKRUPTCY SUPERSEDED.

PARKER Thomas, of Great Russell-street, Bloomsbury, gold and silversmith.

TOWN AND COUNTRY FIATS.

BLUNDELL Joseph Birkbeck, of Seacombe, in the county of Chester, rectifier, *d. c.*—Sols. **Deane & Irlam**, Liverpool, and **Blackstock & Co.** Temple. Fiat, Aug. 1.

CLARK Thomas, of Lamb's Conduit-street, and of Oxford-street, both in the county of Middlesex, boot-maker, *d. c.*—Official assignee, **D. Cannan**, Sambrook-court.—Sol. **Platt**, Church-court, Clement's-lane. Fiat, Aug. 15.

COPLESTONE Joseph, of the city of Exeter, grocer, *d. c.*—Sol. **Fox**, Finsbury-circus, and **Tanner**, Crediton. Fiat, Aug. 7.

DRABBLE John, of Kent-street, and Great Dover-street, in the parish of Newington, in the county of Surrey, axletree maker and engineer, *d. c.*—Official assignee, **J. F. Groom**, Abchurch-lane.—Sol. **Holmer**, Bridge-street, Southwark. Fiat, Aug. 9.

HALE William, of the city of Bath, scrivener, *d. c.*—Sols. **Dowling**, Bath, and **Howe & Co.** Lincoln's Inn. Fiat, Aug. 12.

HAYWARD Jane, of Leamington Priors, in the county of Warwick, lodging-house keeper, *d. c.*—Sols. **Rickards & Walker**, Lincoln's Inn-fields, and **Russell**, Leamington. Fiat, Aug. 16.

LENEGAN James, of Liverpool, in the county of Lancaster, victualler, *d. c.*—Sols. **Bradshaw & Yates**, Liverpool, and **Holme & Loftus**, New Inn. Fiat, Aug. 10.

RICHARDSON William, late of Thornthwaite, in the parish of Crosthwaite, in the county of Cumberland, woollen-manufacturer, *d. c.*—Sols. **Leadbitter**, Staple Inn, and **Ansell**, Keswick. Fiat, Aug. 3.

ROOTS James, of No. 1, Cross Keys-mews, Marylebone-lane, in the county of Middlesex, dealer in milk, and dealer in hoggins and gravel, and carman, *d. c.*—Official assignee, **E. Edwards**, Pancras-lane.—Sol. **Willoughby**, Clifford's Inn. Fiat, Aug. 15.

SAVAGE John, of the Mechanic's Institution, No. 29, Circus-street, in the parish of St. Marylebone, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, **Abbott**, King's Arms-yard.—Sol. **Jay**, Serjeants' Inn. Fiat, Aug. 14.

TIPPING Richard, of Birmingham, in the county of Warwick, gun and pistol manufacturer.—Sol. **Smith**, Lyon's Inn, and **Birmingham**. Fiat, Aug. 15.

WALKER John, of the Old Kent-road, in the county of Surrey, chemist and druggist, *d. c.*—Official assignee, **T. M. Alsager**, Birch-lane.—Sols. **Clarke & Co.** Craven-street, Strand. Fiat, Aug. 14.

WOOD William, of Gravesend, in the county of Kent, carpenter and builder, *d. c.*—Official assignee, **Belcher**, King's Arms-yard.—Sol. **Newbon**, Great Carter-lane. Fiat, Aug. 12.

WORTHINGTON John, and **Joseph Coltman**, of Stockport, in the county of Chester, drapers, *d. c.*—Sols. **Bower & Back**, Chancery-lane, and **Lingard & Co.** Heaton Norris. Fiat, Aug. 8.

Gazette, Tuesday, August 22.

TOWN AND COUNTRY FIATS.

ANDERSON William, late of No. 24, New-road, St. George's in the East, in the county of Middlesex, baker, and now of No. 8, New-road, St. George's in the East, in the same county of Middlesex, licensed victualler, vintner, *d. c.*—Official assignee, **Pennell**, Basinghall-street.—Sols. **Lawrance & Blenkarne**, Bucklersbury. Fiat, Aug. 18.

BARNES Jonathan, of Derby, in the county of Derby, carrier, *d. c.*—Sols. Welch, Derby, and Wilson, Symond's Inn. Fiat, Aug. 11.

FELTON Richard, of the Black Horse Tavern, Victualling Office-square, Tower-hill, in the city of London, licensed victualler, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sols. Cutten & Cooper, Ironmonger-lane. Fiat, Aug. 18.

FINLEYSON John, of Union-place, New-road, in the parish of St. Marylebone, in the county of Middlesex, colour manufacturer, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Bennett, Raymond-buildings. Fiat, July 27.

GIBBIE Moore Corunna, of Cambridge, in the county of Cambridge, draper and tea-dealer.—Official assignee, Abbott, King's Arm-yard.—Sol. Catlin, Ely-place. Fiat, Aug. 11.

McLAREN Robert, of Fontenoy-street, in Liverpool, in the county of Lancaster, rectifier, *d. c.*—Sols. Stockley, Liverpool, and Weeks & Gilbertson, Cook's-court, Lincoln's Inn-fields. Fiat, July 29.

PARKES Isaac, of Deritend, in the parish of Aston, nigh Birmingham, in the county of Warwick, metallic pen manufacturer, *d. c.* (partner in trade with William Ball and Joseph Walker).—Sols. Austen & Hobson, Raymond-buildings, and Palmer & Son, Birmingham. Fiat, Aug. 18.

PRESTON Henry, late of Birmingham, in the county of Warwick, retail brewer, *d. c.*—Sols. Imett, Lyon's Inn, and Birmingham. Fiat, Aug. 8.

RAMSBOTTOM James, of Liverpool, in the county of Lancaster, drysalter, *d. c.*—Sols. Baxters, Lincoln's Inn-fields, and Webster, Manchester. Fiat, Aug. 4.

RAWLINS John, of the Curtain-road, in the parish of St. Leonard, Shoreditch, in the county of Middlesex, dealer in building materials, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Gray, jun. Flemming's-street, Kingsland-road. Fiat, Aug. 31.

RICHARDS Mary Ann, and Eliza Reece, of Wolverhampton, in the county of Stafford, milliners and dress-makers, dealers and chapwomen.—Sols. Rickards & Walker, Lincoln's Inn-fields, and Foster, Wolverhampton. Fiat, Aug. 17.

ROBSON Robert, and John Prudhoe Robson, of Newcastle-upon-Tyne, builders and cartwrights, and copartners in trade, carrying on business under the firm of Robert Robson & Co.—Sols. Plumtree, Temple, and Cram, Newcastle-upon-Tyne. Fiat, July 31.

RYALS Elijah, of Sheffield, in the county of York, table-knife manufacturer, *d. c.*—Sols. Brookfield, Warwick-court, Gray's Inn, and Brookfield & Gould, and Wake, Sheffield. Fiat, Aug. 15.

SIMPSON John, of Spalding, in the county of Lincoln, hatter.—Sols. Forbes & Moore, Sleaford, and Lambert, John-street, Bedford-row. Fiat, Aug. 15.

Gazette, Friday, August 25.

TOWN AND COUNTRY FIATS.

BAILY Edward, late of Yately, in the county of Southampton, and of No. 2, Belgrave-place, Wandsworth-road, in the parish of Lambeth, in the county of Surrey, farmer, cattle salesman, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sol. Vallance, Essex-street. Fiat, Aug. 18.

BAKER Charles, of the Back of the Walls, in the town and county of the town of Southampton, timber-merchant, *d. c.*—Sols. Swain & Co. Frederick's-place, and Edwards, Southampton. Fiat, Aug. 1.

BROWN Humphrey, late of the city of Gloucester, but now of the Bristol-road, in the parish of Edgbaston, in the county of Warwick, carrier, commission-agent, *d. c.*—Sols. Gatty & Turner, Red Lion-square, and Cresswell, Birmingham. Fiat, Aug. 17.

FIELD John, of Sheffield, in the county of York, share-broker and general agent, *d. c.*—Sols. Rodgers, Devonshire-square, and Vickers, Sheffield. Fiat, Aug. 19.

HEWETT Richard, of Cheltenham, in the county of Gloucester, brick-maker, *d. c.*—Sols. King, Gray's Inn-square, and Packwood & Leeds, Cheltenham. Fiat, Aug. 15.

HIGGINS James, of Birmingham, in the county of Warwick, fishmonger, *d. c.*—Sols. Kirk, Symond's Inn, and Yates, Liverpool. Fiat, Aug. 8.

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HOOTON Walter, of Sneinton, in the county of Nottingham, lace-maker, *d. c.*—Sols. Capes, Gray's Inn, and Wadsworth, Nottingham. Fiat, Aug. 1.

HUGHES David, of Trebeslog, in the parish of Llansainfraed Cwmtryddwr, in the county of Radnor, dealer in cattle, drover, *d. c.*—Sol. Hammond, Furnival's Inn. Fiat, Aug. 8.

NICKLIN Samuel Edward Kettle, of Leamington Priors, in the county of Warwick, building surveyor, builder, *d. c.*—Sols. Cary, Gray's Inn, and Hitchin, Barford. Fiat, Aug. 3.

PEAKE John, and Thomas Hall, of Market-street, in the city and county of Lichfield, copartners, ironmongers, *d. c.*—Sols. Bartram & Son, Old Broad-street, and Bonds, Lichfield. Fiat, July 29.

PIKE Benjamin Winkfield, of New Gloucester-place, Hoxton, in the county of Middlesex, fancy paper stainer and embosser.—Official assignee, J. F. Groom, Abchurch-lane.—Sol. Ashley, Shoreditch. Fiat, Aug. 21.

SCOTT David, of Marylebone-street, in the county of Middlesex, woollen-draper, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Blackmore, Temple. Fiat, Aug. 21.

SCOTT Edward, of Hillborough, in the county of Norfolk, miller and farmer, *d. c.*—Sols. Nettlefold, jun. Millbank, Westminster, and Walpole, Northwold. Fiat, Aug. 15.

SENIOR John, of the city of Hereford, cabinet-maker and upholsterer, *d. c.*—Sols. Hopwood & Foster, Chancery-lane. Fiat, Aug. 17.

STEVENSON John, of Sheffield, in the county of York, furniture-broker, *d. c.*—Sols. Church, Great James-street, and Burbeary, Sheffield. Fiat, Aug. 11.

TOWNSEND Joseph, of Liverpool, in the county of Lancaster, plumber and glazier, *d. c.*—Sols. Johnson & Co. Temple, and Blair, Manchester. Fiat, Aug. 18.

WHITEBREAD William, of High-street, Wapping, in the county of Middlesex, cheesemonger, *d. c.*—Official assignee, T. M. Alsager, Birch-in-lane.—Sol. Hill, Cophall-court. Fiat, Aug. 22.

WILD James, the elder, of Sheffield, in the county of York, ivory dealer, merchant, *d. c.*—Sols. Tatterhall, Great James-street, and Palfreyman & Bingley, Sheffield. Fiat, Aug. 19.

Gazette, Tuesday, August 29.

TOWN AND COUNTRY FIATS.

BIRD John Gomm, of Manchester, in the county of Lancaster, commission-agent, *d. c.*—Sols. Cooper, Manchester, and Adlington & Co. Bedford-row. Fiat, Aug. 10.

BROADBENT Mahlon, of Saddleworth, in the county of York, woollen clothier, merchant, *d. c.*—Sols. Milne & Co. Temple, and Slater & Heells, Manchester. Fiat, Aug. 21.

ESDAILE James, of Oxford-street, in Manchester, in the county of Lancaster, hatter, *d. c.*—Sols. Swain & Co. Old Jewry, and Harding, Manchester. Fiat, Aug. 9.

FRANKS Robert Hugh, of Bedcross-street, Barbican, in the city of London, and of Regent-street, in the county of Middlesex, hatter, *d. c.*—Official assignee, Pennell, Basinghall-street.—Sols. Lowless & Son, Hatton-court. Fiat, Aug. 25.

HARRIS William John, of No. 21, Red Lion-street, Clerkenwell, in the county of Middlesex, watch-case maker, *d. c.*—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Robinson & Co. Charterhouse-square. Fiat, Aug. 24.

HARVEY John, of the borough of Glastonbury, in the county of Somerset, innholder, *d. c.*—Sols. Cary & Cross, Bristol, and Adlington & Co. Bedford-row. Fiat, Aug. 15.

KNOX Alexander, of Maddox-street, in the parish of St. George, Hanover-square, in the county of Middlesex, tailor, draper, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sols. Cook & Sanders, New Inn. Fiat, Aug. 15.

LEICESTER John, of Warrington, in the county of Lancaster, bobbin-maker, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Bayley, Warrington. Fiat, Aug. 24.

MOLYNEUX Henry, now or late of the county of the city of Exeter, draper, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sols. Tilson & Co. Coleman-street. Fiat, Aug. 26.

TAYLOR Joseph Robert, and Edwin Taylor, of Masbrough, in the parish of Rotherham, in the county of York, earthenware manufacturers, *d. c.*—Sols. Taylor & Son, John-street, Bedford-row, and Hoyle, Rotherham. Fiat, July 29.

VEYSEY John, of the city of Exeter, hatter, *d. c.*—Sols. Rhodes & Co. Chancery-lane, and Drake, Exeter. Fiat, July 10.

CERTIFICATES TO BE ALLOWED:

August 22.—Gazette, August 1.

Birt William, of Warwick, plasterer.
Cartwright Thomas, of Manchester, toy-merchant.
Evans John, and Arthur Southward, of Manchester, dyers, (partners with Edmund Coupe, John Brown, Christopher Hardy, Francis Donneley, John Linney, David Stott, Robert Berry, and James Robinson).
Force Edward Ball, of Exeter, grocer.
Kinder Thomas, of Kirkby-in-Ashfield, Notts, farmer and victualler.
Nield John, of Saddleworth, woollen-manufacturer.
Osman Thomas, of Burford, mercer.
Slack Richard Walker, of Hanley, dealer in drugs.
Smith James Charles, of Denmark-hill, Camberwell, upholsterer.
Threlfall James, of Leeds, stuff-merchant.

August 25.—Gazette, August 4.

Bentley William, jun., of Liverpool and Glasgow, merchant, (partner with William Bentley, sen.)
Coppock Charles, of the Strand, hosier.
Dry Abraham Harrison, of St. Martin's-lane, pawnbroker and silver-smith.
Hillman Edwin, of Parliament-street, carver, gilder, and picture-dealer.
Hodgetts William, of Birmingham, bookseller.
Illingworth John, Lewis Illingworth, and Solomon Illingworth, of Chorley, machine-makers.
Ireland John, of Manchester, builder.
Orme George, of Ashton-under-Lyne, bookseller.
Walduck John Haycock, of Birmingham, dealer in wines.

August 29.—Gazette, August 8.

Burge William, of Wareham, Dorsetshire, tanner.
Hudson Robert, of Gloucester, victualler.
Jones Edward, of Manchester, drysalter.
Ollerenshaw Edward, sen., of Manchester, and of Redcross-street, Southwark, cotton-spinner and hatter.
Soulby John, of Lambeth-walk, brewer, (partner with Alfred Soulby).

September 1.—Gazette, August 11.

Brown Thomas, of Grange, Cheshire, brewer.
Chambers Andrew, of Birmingham, engraver and printer.
Langley Frederick, of the Poultry, bill-broker.
Robertson William, of Crutched-friars, ship-broker.
Smallwood Thomas, jun., of Newport, Shropshire, scrivener.
Soulby Alfred, Lambeth-walk, brewer, (partner with John Soulby).
Spicer William, of Little St. Andrew-street, St. Giles's, victualler.
Thompson William Joseph, of Hull, and of Great Grimsby, commission merchant, (partner with John Peter Brandstrom).
Wrigley Henry, of Halifax, silk-waste spinner.

September 5.—Gazette, August 15.

Lees Abraham Hilton, of Bilston, tallow-chandler and ironmaster.

September 8.—Gazette, August 18.

Canstatt Nathan Jacob and Maurice Dyte, of Bury-street, St. Mary Axe, and Houndditch, surgeons.
Ellis Charles, of Stockwell-green, coal-merchant.
Emmett John, and Arthur Emmett, of Old Kent-road, market-gardeners.
Roberts William, formerly of Churwell, Batley, cloth-manufacturer and merchant, late of Quebec, merchant.
Willmot John, of Lenton and Nottingham, coach-proprietor.

September 12.—Gazette, August 22.

Davis Samuel, of Manchester, ironmonger, (partner with John Haworth).
Evans James Wright, of Birmingham, japanner and grocer.
Freeman James Weston, of Birmingham, grocer.
Hall Henry, of South Shields, ironmonger.

Kemp Joseph, of Birmingham, gun-maker.

O'Neill Allan Francis, John O'Neill, and Francis O'Neill, of Liverpool, merchants.

Tims John, of Warwick, bricklayer.

Warwick William Sidney, and Thomas William Clagett, of Billiter-square, merchants.

Williams Thomas Robinson, of Lamb's-buildings, Bunhill-row, manufacturer of artificial skins and japanned silk wares, (partner with Charles Stanbridge, and William Forbes Marshall).

September 15.—Gazette, August 25.

Askew John, of Liverpool and Egremont, hotel keeper.

Catiff William, of Wisbeach, draper.

Cockerill William James, of the Poultry, music-seller.

Colwell William, of Bromsash, Herefordshire, timber-merchant.

Kidd Joshua, of Brownlow-street, Drury-lane, coach-curier.

Marshall William Forbes, of Lamb's-buildings, Bunhill-row, manufacturer of artificial skins and japanned silk wares, (partner with Charles Stanbridge and Thomas Robinson Williams).

Shuker Joseph, of Shrewsbury, grocer.

September 19.—Gazette, August 29.

Austin William, of Abchurch-lane, victualler.

Battley Robert, of South Shields, woollen-draper.

Beasnell Stephen, of Leamington Priors, plumber.

Beverley Henry, of Manchester, horse-dealer.

Cartledge Silvanus, of Lincoln, merchant, (partner with Job Cartledge).

Cadney Henry Ormerod, of Halifax, corn-dealer.

Eldridge Charles, of Brighton, builder.

Elworthy Henry John Rice, of East Stonehouse, bill-broker and money-scrivener.

May William, of Manchester, innkeeper.

Rudman Joel, of Bath, fruiterer.

Smelt William, jun., of Manchester, merchant, (partner with John Battye Gill).

Trenholm James, of Darlington, brewer and spirit merchant.

DIVIDENDS.

Gazette, August 1.

Date of Fiat.

1834, ADE Michael, and Francis Berger, of Lime-street, London, merchants; final div.

1832, AGLIO Augustine, of Smedley, near Manchester, Lancashire, div.

1837, BECKETT Thomas, of Norbury, in Marbury, Cheshire, cheese-factor; first and final div.

1835, BRADDOCK John, and Samuel Barnes, of Oldham, Lancashire, machine makers; final div.

1837, CARTER John, late of Rettenden, Essex, and now of Great Baddow, same county, wine-merchant; div.

1837, DUNN Henry, of Manchester, Lancashire, provision dealer; div.

1836, ELMER John, of Preston, Lancashire, hop-merchant and porter-merchant; div.

1831, HOOPER John, the elder, and Edward Franklin, both late of Westbury, Wiltshire, bankers; first and final sep. divs. of each.

1836, RIDSDALE Robert, of Murton, in Osbaldwick, near York, horse-dealer; fur. div.

1836, THORP Henry, of Herne Bay, in Herne, Kent, miller and baker; first and final div.

1837, VERTUE Thomas, of Woodbridge, Suffolk, merchant; div.

Gazette, August 4.

1837, ABSALOM Charles, of Newbury, Berkshire, grocer; div.

1836, BATCHELOR Joseph, of Newport, Isle of Wight, Hants, mercer; final div.

1837, BEARD John, of Gloucester, coal and timber-merchant and general dealer; fur. div.

1834, BROWN Humphrey, John Henry Bradley, and Benjamin Harris, of Gloucester, and of Birmingham, Warwickshire, merchants; fur. div.

Date of Fiat.

- 1837, COLWELL William, of Bromash, in Weston-under-Penyard, Herefordshire, timber-merchant; div.
- 1836, DARBYSHIRE Edward, and Michael Barlow, of Manchester, Lancashire, power-loom cloth manufacturers; final sep. div. of Darbyshire, and second joint div.
- 1830, FEREDAY Samuel (ren. com.), Richard Smith, and James Fisher, late of Bilston, in Wolverhampton, Staffordshire, bankers; fur. and final sep. div. of Fereday, first and final sep. div. of Smith, fur. and final joint div.
- 1837, GOLLEDGE John, the younger, of Frome Selwood, Somersetshire, currier and leather-cutter; first and final div.
- 1837, HIGGS Daniel, of Wickwar, Gloucestershire, innholder and baker; first and final div.
- 1834, HUTTON Thomas, Henry William Lepine, and Charles Edward Lepine, of Newcastle-street, London, fringe-manufacturers; final sep. div. of Hutton.
- 1837, JAMES Philip, of Tewkesbury, Gloucestershire, and of Birmingham, Warwickshire, coal-merchant; div.
- 1837, KELLY John, of Merthyr Tidvil, Glamorganshire, and of Tredgar, Monmouthshire, grocer and shopkeeper; div.
- 1835, KERR Hall, of Mulgrave-place, Kent, tailor; div.
- 1837, KIDD James, of Stockport, Chester, iron roller-maker and licensed victualler; div.
- 1834, POWNALL Edward and William Powell Hunt, of Ipswich, Suffolk, solicitors, attorneys-at-law, and scriveners; div.
- 1837, RUDGE James, of the Corn Exchange, Mark-lane, London, and of Harder's-row, Peckham, Surrey, merchant, corn and malt dealer; div.
- 1824, SALTER James and William Balston, both of Poole, twine-manufacturers; final div.
- 1837, SHEPPARD Edward, the elder, and Edward Sheppard, the younger, of Uley, Gloucestershire, clothiers; div.

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- 1834, DONKIN William, of North Shields, Tynemouth, Northumberland, wine and spirit-merchant; div.
- 1837, ELMER Robert, of Southampton, provision merchant; div.
- 1831, KEY James, of Great Prescott-street, Goodman's-fields, oil and colourman and general merchant; div.
- 1837, KINSEY Simon, of Badwell Ash, Suffolk, innkeeper; div.
- 1837, LEWIS Joseph, of Conwill Elvet, Carmarthenshire, draper; div.
- 1837, MARSHALL Charles, of Kingston-upon-Hull, victualler and spirit merchant; div.
- 1837, PRYER Anthony, of Bury St. Edmunds, Suffolk, innkeeper, brewer and maltster; div.
- 1837, RIMER Philip, of Southampton, provision merchant; div.
- 1836, STEPHENS Thomas, late of Chaxhill, in Westbury-upon-Severn, Gloucestershire, maltster; fur. div.
- 1833, TINGLE Thomas, of Grenoside, Ecclesfield, and of Sheffield, both in Yorkshire, ironfounder and steel-burner; second and final div.
- 1837, WARDEN Waples, of Birmingham, Warwickshire, boot and shoe-maker; final div.
- 1835, WEATHERLY John, of North Shields, Tynemouth, Northumberland, wine and spirit-merchant; div.

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- 1837, ANDREW Joseph, late of the Crown public-house, Lad-lane, London, and now residing at No. 18, Guilford-street East, Wilmington-square, Middlesex, licensed victualler; div.
- 1837, BROWN James, and Hugh Graham, of Manchester, Lancashire, fustian manufacturers and warehousemen; div.
- 1832, COLNAGHI Martin Henry Lewis Gaetano, of Cockspur-street, Pall Mall, Middlesex, printseller; div.
- 1837, CRANE Thomas, of Loughborough, Leicestershire, grocer; first and final div.
- 1831, FAYRER Robert John, late of London, mariner; final div.

Date of Fiat.

- 1836, HART William, of Cheltenham, Gloucestershire, milliner and silk mercer; first and final div.
- 1830, HOMAN Benjamin, of St. Leonard's, Hastings, Sussex, builder; div.
- 1833, JAMES George Frederick, of Paddington-street, St. Mary-lebone, Middlesex, grocer and tea dealer; final div.
- 1837, JENNINGS William Collins, of Bristol, corn factor and commission agent; div.
- 1837, LEBAS Charles, of Birmingham, Warwickshire, engraver, copper-plate and letter-press printer and stationer; div.
- 1836, MOULSON George Edward, Thomas Peirson, and John Henry Denston, all of Liverpool, Lancashire, merchants; div.
- 1834, PAYNE Henry, of Rotherham, Yorkshire, grocer; div.
- 1837, RINGER John William, of the Elephant and Castle public-house, Market-place, Great Yarmouth, Norfolk, victualler; div.
- 1837, SAVAHER Samuel, of Great Ealing, Middlesex, and Colnbrook, Buckinghamshire, linen and woollen-draper; div.
- 1837, SANGROUBER Peter, of Old Compton-street, in St. Anne, Middlesex, licensed victualler, and dealer in wines and spirits; div.
- 1837, SKAIFE William, of Halifax, Yorkshire, linen-draper and silk-mercier; first and final div.
- 1836, SMITH Richard, of No. 119, Regent-street, Middlesex, woollen-draper; div.
- 1837, STITT David Patterson, of Taunton, Somersetshire, linen-draper; div.
- 1837, WARDEN Waples, of Birmingham, Warwickshire, boot and shoe-maker; final div.

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- 1837, BROWN William, of Leeds, Yorkshire, worsted-spinner; div.
- 1817, DANIEL George and William Cross (since renewed) of Birmingham, Warwickshire, merchants; sep. div. of Daniel.
- 1837, GOFF John, of Liverpool, Lancashire, grocer; div.
- 1837, GOUGH Nathan, of Salford, Lancashire, cotton-spinner; div.
- 1835, GOUGH Richard, late of Newbury, Berkshire, corn-factor and corn-porter; div.
- 1820, GRIFFIN Thomas, the younger, late of Trentham, Staffordshire, gent.; div.
- 1837, HILL James, of Seacombe, in Wallasey, Chester, brewer; div.
- 1830, HOGG Thomas and Benjamin Hogg, both of Leeds, Yorkshire, woollen-cloth manufacturers and merchants; div.
- 1834, HOWARD John, of Ripon, Yorkshire, scrivener; final div.
- 1837, PAPPS John and Daniel Sidlington, of Stroud, Gloucestershire, woollen-cloth manufacturers; div.
- 1830, WESTERBY Richard, of Brotherton, Yorkshire, lime-burner and coal-dealer; div.

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- 1837, COCKERILL William James, of the Poultry, London, music-seller; div.
- 1831, EABBAGE William Boulton, of Great Yarmouth, Norfolk, &c.; second and final div.
- 1829, EMERSON William, of Alford, Lincolnshire, linen-draper; div.
- 1836, GOLDSWORTHY John, of Great St. Helen's, Bishopsgate-street, London, and of Lower Hampstead-heath, Middlesex, coal-merchant and trader; div.
- 1837, GRAY Charles Henry, of Bath, Somersetshire, provision-merchant; div.
- 1837, JACKSON Joseph, of Liverpool, Lancashire, brewer; div.
- 1837, LANCASHIRE Joseph, of Wirksworth, Derbyshire, currier; div.
- 1837, NOBLET Thomas and William Noblet, both of Manchester, Lancashire, corn-merchants and cheesemongers; div.
- 1837, RANKIN Thomas, of Epping, Essex, linen-draper; div.

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Date of Fiat.

- 1836, APPLETON Joseph, of Three Crown-square, Southwark, Surrey, hop-merchant; div.
- 1834, BAKER William, of Thirsk, Yorkshire, grocer and draper; final div.
- 1835, CLARK David, formerly of Calcutta, in the East Indies, and late of Broad-street-buildings, London, but now of New Broad-street-buildings, said city, merchant; div.
- 1837, COX Edward Thomas (ren. fiat), Henry John Downes, and Blanshard Thorp, all of Kingston-upon-Hull, merchants and copartners in trade (carrying on business there under the firm of Cox, Downes, & Co., and at Great Grimsby, Lincolnshire, under the firm of Blanshard, Thorp, & Co.); sep. dip. of Thorp.
- 1829, DRURY James Francis, late of Islington, Middlesex, musical-bell founder; final div.
- 1837, EVANS Thomas, of Mortimer-street, Cavendish-square, Middlesex, apothecary and chemist; div.
- 1830, FEREDAY Samuel (ren. com.), Richard Smith, and James Fisher, late of Bilston, in Wolverhampton, Staffordshire, bankers; fur, and final sep. div. of Fereday, and first and final sep. div. of Smith.
- 1835, GREEN Joseph, of Liverpool, Lancashire, ship-chandler; final div.
- 1836, HAWORTH John and Samuel Davis, both of Manchester, Lancashire, ironmongers; joint div. and sep. div. of Haworth.
- 1831, HOLT David, of Chorlton New Mills, Chorlton-row, in Manchester, Lancashire, cotton-spinner; div.
- 1837, JOHNSON Michael, of Leeds, Yorkshire, tailor and draper; div.
- 1837, PERBIT Thomas Carrick, of Kingston-upon-Hull, money-scrivener; div.
- 1836, PIGGOTT Ellis, George Fall, and John Nichols, of Manchester, Lancashire, embosers and printers; sep. div. of Nichols.
- 1837, SAYRE John, of No. 79, High-street, Shadwell, in St. Paul, Shadwell, Middlesex, cheesemonger; first and final div.
- 1831, TOGWELL John, of Cheltenham, Gloucestershire, baker; div.
- 1836, WALTON James, of Redditch, Worcestershire, victualler; final div.
- 1837, WHITE Thomas, of Manchester, Lancashire, innkeeper; div.
- 1834, WRIGHT Thomas, of Northallerton, Yorkshire, victualler; div.

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- 1835, ANGOLD John, of John-street, Tottenham-court-road, Middlesex, timber-merchant; final div.

Date of Fiat.

- 1826, BATLEY Richard, of Norwich, merchant; fur. div.
- 1837, BROOKE John, of Dewsbury, Yorkshire, woollen-cloth manufacturer and merchant; div.
- 1837, EDMONDSON William, of Liverpool, Lancashire, brush-maker; div.
- 1837, EXLEY John, of Riches-court, Lime-street, London, corn-factor; div.
- 1837, GREENHILL William Wickham, of Cobham, Surrey, cattle dealer; div.
- 1837, HALL Samuel Carter, of Elm-grove House, Kensington, Middlesex, bookseller; div.
- 1811, HINDE Thomas, late of Liverpool, Lancashire, merchant; fur and final div.
- 1837, JENNINGS John, of Canterbury, hotel-keeper; div.
- 1833, LEDWARD Edward, of Liverpool, Lancashire, hat manufacturer and merchant; first and final div.
- 1837, OLLERENSHAW Edward, of Manchester, Lancashire, and of Redcross-street, Southwark, Surrey, cotton-spinner and hatter; div.
- 1837, PARKYN James, of Devonport, Devonshire, linen-draper; div.
- 1837, STATON John, of No. 10, Charing-cross, Middlesex, boot-maker; div.
- 1837, VALE Arthur Theophilus Kinsey, of Bromyard, Herefordshire, linen-draper and hatter; div.

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- 1836, BALL Thomas, of the Fishmonger's Arms, West-street, St. Paul, Middlesex, licensed victualler; div.
- 1837, BARNETT John, of Stourport, Worcestershire, Severn-carrier and wharfinger; div.
- 1837, BURY Caleb Radcliffe, of Hulme, in Manchester, Lancashire, drysalter; div.
- 1837, HODGETTS William, of Birmingham, Warwickshire, bookseller; div.
- 1837, JESSE William Thomas, of Boarston, in Gillingham, Dorsetshire, tick and dowlas manufacturer; div.
- 1837, JESSE William, and William Thomas Jesse, of Boarston, in Gillingham, Dorsetshire, tick and dowlas manufacturers; div.
- 1837, LEA Abraham Nicholas, of Birmingham, Warwickshire, builder; div.
- 1837, ROGERS James, of Martley, Worcestershire, tanner; div.
- 1837, VERTUE Thomas, of Woodbridge, Suffolk, merchant; div.
- 1837, WHELE Edwin, of Walsall, Staffordshire, grocer; first and final div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF SEPTEMBER, 1837.

BANKRUPTS.

London Gazette, Friday, September 1, 1837.

TOWN AND COUNTRY FIATS.

- BARROW** Thomas, of Ashton-under-Lyne, in the county of Lancaster, innkeeper, *d. c.*—Sols. Adlington & Co. Bedford-row, and Chew, Manchester. Fiat, Aug. 18.
- BEARD** John, and John Blount Herbert, late of the city of Gloucester, timber-dealers, coal-merchants, *d. c.*—Sols. Jones, Crosby-square, and Smallridge, Gloucester. Fiat, Aug. 10.
- BUTT** William, of the town of Ledbury, in the county of Hereford, grocer, common carrier, *d. c.*—Sols. Gregg, Ledbury, and Platt & Hall, New Boswell-court. Fiat, Aug. 25.
- CAUDWELL** Charles, of Deansgate, in Manchester, in the county of Lancaster, baker and flour dealer, *d. c.*—Sols. Milne & Co. Temple, and Crossley & Sudlow, Manchester. Fiat, Aug. 11.
- DAVENPORT** George Sutton, of the city of Chester, woollen-draper, *d. c.*—Sols. Chester, Staple Inn, and Walker, Chester. Fiat, Aug. 1.
- DORSET** Henry, of Herstonceux, in the county of Sussex, grazier, salesman, hay-merchant, *d. c.*—Sols. Gell & Co. Lewes. Fiat, Aug. 17.
- HAINSWORTH** Edward, of Stanningley, in the parish of Leeds, in the county of York, cloth-manufacturer, *d. c.*—Sols. Few & Co. Henrietta-street, Covent-garden, and Booth, Leeds. Fiat, Aug. 16.
- HITCHINS** Almond, otherwise called Orange Almond Hitchins, of the parish of Fordingbridge, in the county of Southampton, currier, tanner, *d. c.*—Sols. Archer, Gray's Inn-square, and Nickson, Fordingbridge. Fiat, Aug. 26.
- PALMER** John, the elder, of Stapleford, in the county of Nottingham, and Thomas Topley Barker, of Sandiacre, in the county of Derby, cotton doublers, *d. c.* and copartners.—Sols. Fox & Lowe, Nottingham, and Willett & Campbell, Essex-street. Fiat, Aug. 26.
- PRESTON** Henry Hebb, of the borough of Derby, in the county of Derby, laceman, hosier, *d. c.*—Sols. Johnson & Co. Temple, and Bowley, Nottingham. Fiat, Aug. 4.
- REES** Joseph, of Stratford, in the county of Essex, chemist and druggist.—Official assignee, T. M. Alsager, Birchin-lane.—Sols. Smithson & Dunn, Southampton-buildings. Fiat, Aug. 26.
- SHUARD** William, late of the parish of Spechley, in the county of Worcester, but now of the parish of Tibberton, in the said county of Worcester, builder, timber-dealer, *d. c.*—Sols. White & Whitmore, Bedford-row, and Corbett, Worcester. Fiat, Aug. 22.
- STOCKER** Alexander Southwood, of Birmingham, in the county of Warwick, machinist, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Lefevre, Birmingham. Fiat, Aug. 26.
- TURNER** William, of Birmingham, in the county of Warwick, iron-maker, *d. c.*—Sols. Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, Aug. 26.

Gazette, Tuesday, September 5.

BANKRUPTCY ENLARGED.

BRYANT George, of Winterbourne, maltster.

TOWN AND COUNTRY FIATS.

HAZNEAU Joseph, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Sols. Taylor & Co. Bedford-row, and Lowndes & Robinson, Liverpool. Fiat, Aug. 31.

d. c. dealer and chapman.

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CROZIER Matthew, of Liverpool, in the county of Lancaster, commission merchant and broker, *d. c.*—Sols. Blackstock & Co. Temple, and Littledale & Bardwell, Liverpool. Fiat, Aug. 26.

HALL Giles, and James Henry Bryant, both of the city of Bath, in the county of Somerset, stationers, *d. c.* and copartners.—Sols. Dax & Bicknell, Lincoln's Inn-fields, and Drake, Bath. Fiat, Aug. 29.

HOLT Charles Joshua, of Manchester, in the county of Lancaster, tallow-chandler, *d. c.*—Sols. Townsend, Manchester, and Hall & Co. Verulam-buildings, Gray's Inn. Fiat, Aug. 31.

HOLTON James, the younger, of Frome Selwood, in the county of Somerset, grocer, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Miller, Frome Selwood. Fiat, Aug. 28.

MARSHALL Thomas, of Ilkeston, in the county of Derby, grocer and draper, *d. c.*—Sols. Capes, Raymond-buildings, and Flewker, Wardwick, Derbyshire. Fiat, Aug. 21.

REGAN John, of the Elder Cellars, Maiden-lane, Covent-garden, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Belcher, King's Arms-yard.—Sol. Sanford, Adelphi-terrace, Strand. Fiat, Sept. 4.

SELFE William, of Frome Selwood, in the county of Somerset, silversmith, *d. c.*—Sols. Perkins & Frampton, Gray's Inn-square, and Miller, Frome Selwood. Fiat, Aug. 15.

Gazette, Friday, September 8.

TOWN AND COUNTRY FIATS.

BONNER John, of Cheltenham, in the county of Gloucester, iron-monger, *d. c.*—Sols. Dax & Bicknell, Lincoln's Inn-fields, and Packwood & Leeds, Cheltenham. Fiat, Sept. 2.

GREEN John, and George Eley, now or late of Birmingham, in the county of Warwick, and of No. 20, Thavies Inn, Holborn, in the city of London, wholesale jewellers, silversmiths, *d. c.* (carrying on the trade of wholesale jewellers and silversmiths in copartnership, under the style or firm of Green & Eley).—Sols. Adlington & Co. Bedford-row, and Marshall, Birmingham. Fiat, Aug. 8.

HUNT William Henry, of Crown-court, Cheapside, in the city of London, merchant, *d. c.*—Official assignee, E. Edwards, Pancras-lane.—Sol. Peile, Old Broad-street. Fiat, Sept. 6.

LIDDIARD Warner, and Robert Kitton, of No. 20, Golden-lane, in the city of London, carpenters and builders, *d. c.* and copartners.—Official assignee, T. M. Alsager, Birchin-lane.—Sol. Nicholls, Cook's-court. Fiat, Aug. 24.

ROCHER William Antonio, late of Clifford's Inn-passage, Fleet-street, in the city of London, wine-merchant, but now of Broad-wall, Blackfriars, in the county of Surrey, (copartner in trade with Charles Felton Kirkman).—Official assignee, J. F. Groom, Abchurch-lane.—Sols. Ogle & Younghusband, Great Winchester-street. Fiat, Sept. 5.

WEST William Twells, of the town and county of Nottingham, draper, *d. c.*—Sol. Parker, St. Paul's-churchyard. Fiat, Aug. 30.

Gazette, Tuesday, September 12.

BANKRUPTCY SUPERSADED.

CAWOOD Robert, of Leeds, merchant.

TOWN AND COUNTRY FIATS.

CLARKSON William, and James Waterhouse, of Stanningley, in the parish of Calverley, in the county of York, cloth-manufacturers, *d. c.* and copartners in trade.—Sols. Hardwick & Davidson, Lawrence-lane, and Lees, Leeds. Fiat, Aug. 12.

DONCASTER Henry, of Sheffield, in the county of York, porter-merchant, *d. c.*—Sols. Heywood & Ryalls, Sheffield, and Moss, O. d. Jewry. Fiat, Aug. 15.

JACKSON William George, of Hartlepool, in the county of Durham, grocer, general trader, *d. c.*—Sols. Gibson, Newcastle-upon-Tyne, and Swain & Co. Frederick's-place, Old Jewry. Fiat, Aug. 24.

KIER William, of Liverpool, in the county of Lancaster, wine-merchant, *d. c.*—Sols. Deane, Essex-street, Strand, and Peacock, Liverpool. Fiat, Sept. 7.

LOWE Richard, and Richard Lowe, the younger, both of the parish of St. Peter, in the city of Worcester, leather-dressers and glove-manufacturers, *d. c.* and copartners in trade.—Sols. Bedford, Calthorpe-street, and Bedford & Pidcock, Worcester. Fiat, Sept. 4.

PAGE William Henry, of Plymouth, in the county of Devon, linen-draper, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sol. Burt, Aldermanbury. Fiat, Sept. 6.

PLEVIN James, of Nantwich, in the county of Chester, timber-merchant.—Sols. Carven, jun., Nantwich, and Johnson & Co. Temple. Fiat, Aug. 19.

WILSON George, of Darlington, in the county of Durham, mercer, linen and woollen-draper, *d. c.*—Sols. Addison, Mecklenburgh-square, and Hunton, Richmond, Yorkshire. Fiat, Sept. 1.

WILLIAMS John, of Manchester, in the county of Lancaster, glass-manufacturer, *d. c.*—Sols. Hampson, Manchester, and Adlington & Co. Bedford-row. Fiat, Sept. 7.

Gazette, Friday, September 15.

TOWN AND COUNTRY FIATS.

CHAPMAN George, of Selby, in the county of York, corn and bacon factor, *d. c.*—Sols. Maxon, Little Friday-street, and Ward, York. Fiat, Sept. 4.

DALLS John, of Goole, in the county of York, broker, commission-agent, and coal-merchant, *d. c.*—Sols. Hicks & Marrie, Gray's Inn-square, and Holden, Hull. Fiat, Aug. 23.

DOWS James, of Ham Mills, in the parish of Thatcham, in the county of Berks, miller, seedsman, *d. c.*—Sols. Graham, Temple, and Graham, Newbury. Fiat, Aug. 29.

HOWSE William, of Hanley, in the county of Stafford, victualler, *d. c.*—Sols. Harding, Newcastle-under-Lyme, and Wilson, Symond's Inn. Fiat, Sept. 2.

NIXON Daniel, of Stoney Stratford, in the county of Buckingham, surgeon and apothecary, *d. c.*—Sol. Worley, Stoney Stratford. Fiat, Sept. 2.

SWIFT John, the younger, of Gainsborough, in the county of Lincoln, auctioneer, appraiser, broker, sheriff's officer, dealer in wines, *d. c.*—Sols. Scott, Lincoln's Inn-fields, and Plaskitt, Gainsborough. Fiat, Sept. 4.

VERNON Thomas William, of Bilston, in the county of Stafford, iron-dealer, *d. c.*—Sols. White & Whitmore, Bedford-row, and Smith, Walsall. Fiat, Aug. 16.

WILSON William Kingston Jones, of Sydney-place, Stockwell, in the county of Surrey, master-mariner, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sols. Owen & Dixon, Mark-lane. Fiat, Sept. 13.

Gazette, Tuesday, September 19.

TOWN AND COUNTRY FIATS.

APPLEYARD James, of Leeds, in the county of York, corn-merchant and factor, *d. c.*—Sols. Makinson & Sanders, Middle Temple, and Foden, Leeds. Fiat, Sept. 5.

BRACE Joseph, of Willow-walk, Bermondsey, in the county of Middlesex, tanner.—Official assignee, T. M. Alsager, Birch-lane.—Sols. Allen & Nicoll, Queen-street, Cheapside. Fiat, Sept. 6.

CAVE Thomas, the younger, and John Clarkston Burton, of the town and county of the town of Nottingham, lace-manufacturers and copartners, *d. c.*—Sols. Yallop, Basinghall-street, and Parsons & Sons, Nottingham. Fiat, Sept. 8.

JACKSON William Joseph Postins, of Kidderminster, in the county of Worcester, baker, *d. c.*—Sols. Michael, Red Lion-square, and Bird & Saunders, Kidderminster. Fiat, Sept. 5.

LEAKE John, of Shrewsbury, in the county of Salop, coach-builder, *d. c.*—Sols. Blackstock & Co. Temple, and Watson, Shrewsbury. Fiat, Sept. 8.

PECKMORE John, of Birmingham, in the county of Warwick, baker and shopkeeper, *d. c.*—Sols. Chaplin, Gray's Inn-square, and Harrison, Birmingham. Fiat, Sept. 13.

Gazette, Friday, September 22.

TOWN AND COUNTRY FIATS.

BOWERMAN Joseph, late of Cheltenham, in the county of Gloucester, common carrier, *d. c.*—Sols. Packwood & Leeds, Cheltenham, and Dax & Bicknell, Lincoln's Inn-fields. Fiat, Sept. 20.

DENTON John, of Greaves Mills and Burwood, both in Stainland, in the parish of Halifax, in the county of York, silk-spinner and cotton-spinner, *d. c.*—Sols. Howarth & Ridehalgh, Ripponden, and Hawkins & Co. New Boswell-court. Fiat, Sept. 12.

GARSDIE James Newton, of Ashton-under-Lyne, in the county of Lancaster, cotton-spinner, *d. c.* (formerly carrying on business there in copartnership with John Oulton).—Sols. Makinson & Sanders, Temple, and Atkinson & Co. Manchester. Fiat, Sept. 18.

KIRK Joseph Bussell, of the hamlet of Burton St. Mary, near the city of Gloucester, furniture-broker, *d. c.*—Sols. Lewis, Gloucester, and a Beckett, Golden-square. Fiat, Sept. 19.

MILLWARD Thomas, of Cheltenham, in the county of Gloucester, builder, brightsmith, *d. c.*—Sols. Bousfield, Guildhall-buildings, and Winterbothams, Cheltenham. Fiat, Sept. 15.

MILNES William, of Leeds, in the county of York, woolstapler, *d. c.*—Sols. Atkinson & Co. Leeds, and Hawkins & Co. New Boswell-court, Lincoln's Inn. Fiat, Sept. 15.

MULHOLLAND John, and William Mulholland, both of Liverpool, in the county of Lancaster, merchants, *d. c.* (carrying on business there in partnership, under the firm of John Mulholland & Co.).—Sols. Adlington & Co. Bedford-row, and Clay & Swift, Liverpool. Fiat, Sept. 13.

MYRTLE John, of Brighton, in the county of Sussex, butcher, *d. c.*—Sols. Attree & Co. Brighton, and Sowton, Great James-street. Fiat, Sept. 18.

PLEVIN James, of Nantwich, in the county of Chester, timber-merchant.—Sols. Carven, jun. Nantwich, and Johnson & Co. Temple. Fiat, Aug. 19.

WALDEN Thomas Blades, of Liverpool, in the county of Lancaster, silk-mercier, draper, *d. c.*—Sols. Abbott & Arney, Charlotte-street, Bedford-square, and Bennett, Manchester. Fiat, Sept. 11.

WHARTON James, of Hulme, in the parish of Manchester, in the county of Lancaster, joiner and builder.—Sols. Milne & Co. Temple, and Casson, Manchester. Fiat, Sept. 15.

Gazette, Tuesday, September 26.

TOWN AND COUNTRY FIATS.

BARRETT Daniel, of Fetter-lane, and Holborn-bars, both in the city of London, grocer, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane.—Sols. Walmsley & Co. Chancery-lane. Fiat, Sept. 11.

BENNETT William, of the Swan Tavern, Arundel-street, Strand, in the county of Middlesex, tavern-keeper, *d. c.*—Official assignee, J. Clark, St. Swithin's-lane, and White & Borrett, Frederick's-place. Fiat, Sept. 25.

DONCASTER William, of the town and county of the town of Nottingham, dyer, and of Bridgford-on-the-Hill, in the county of Nottingham, brick-maker, *d. c.*—Sols. Johnson & Co. Temple, Wason & Wettington, Bristol, and Bowley, Nottingham. Fiat, Sept. 12.

GRAVES Robert, of Liverpool, and of Toxteth Park, both in the county of Lancaster, rope-manufacturer, *d. c.* (trading under the firm of Robert Graves & Co.).—Sols. Chester, Staple Inn, and Cort, Liverpool. Fiat, Sept. 8.

HIBBERT William, of No. 85, Mount-street, Grosvenor-square, in the county of Middlesex, butcher, *d. c.*—Official assignee, G. Lockington, Basinghall-street.—Sols. Haallem & Bischoff, Cophthall-court. Fiat, Sept. 19.

WHEATER Joshua, of Farnley, in the parish of Leeds, in the county of York, cloth-manufacturer.—Sols. Hardwick & Davidson, Lawrence-lane, and Lees, Leeds. Fiat, Sept. 15.

Gazette, Friday, September 29.

TOWN AND COUNTRY FIATS.

ANDREW Matthew, of Sheffield, in the county of York, grocer, *d. c.*—Sols. Rodgers, Devonshire-square, and Ryalls, Sheffield. Fiat, Sept. 2.

HOOD William, of Atherstone, in the county of Warwick, clock and watch manufacturer, *d. c.*—Sols. Baxters, Lincoln's Inn-fields, and Baxter, Atherstone. Fiat, Sept. 18.

JACKSON James Thomas, of the Hercules public-house, Leadenhall-street, in the city of London, licensed victualler.—Official assignee, G. Lackington, Basinghall-street.—Sol. Parry, St. Swin's-lane. Fiat, Sept. 28.

KIRK Joseph Bussell, of the hamlet of Barton St. Mary, near the city of Gloucester, furniture-broker, *d. c.*—Sols. Lewis, Gloucester, and a Beckett, Golden-square. Fiat, Sept. 19.

NATTRESS John, of Manchester, in the county of Lancaster, brazier, tinman, *d. c.*—Sols. Thorndike, Staple Inn, and Wheeler, Birmingham. Fiat, Sept. 20.

VERTON Benjamin, of High-street, Hackney, in the county of Middlesex, man-milliner and draper, *d. c.*—Official assignee, J. Clark, St. Swin's-lane.—Sol. Robinson, Queen-street-place. Fiat, Sept. 26.

STANNETT William, of the White Lion and Lamb, Princes-street, Lambeth, in the county of Surrey, victualler, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Rushbury, Fish-street-hill. Fiat, Sept. 25.

TURNER Horatio, and William Turner, the younger, both of Greenhill, near Cross-hills, in the parish of Kildwick, in the county of York, worsted stuff-manufacturers and copartners, *d. c.*—Sols. Singleton, New Inn, and Barret, Bingley. Fiat, Sept. 9.

WALKER Edwin, William John Walker, Frederick Walker, and Parker Newton Walker, of Thurston-land, in the parish of Kirkburton, in the county of York, clothiers, *d. c.*, copartners in trade (and trading under the firm of John Walker & Sons).—Sols. Stephenson, Holmfirth, and Battye & Co. Chancery-lane. Fiat, Sept. 5.

CERTIFICATES TO BE ALLOWED:

September 22.—*Gazette*, September 1.

Beckham Daniel, of Green Arbour-court, stereotype founder.
Bragg James, of Sharp's Wharf, High-street, Wapping, builder and wharfinger.
Brook George, John Raper, and Benjamin Brook, of Leeds, machine makers.
Crow David, of Sheffield, tanner.
Hall Joseph, of Savage-gardens, wine-merchant.
Miller George, of Bath, victualler.
Neales John Bentham, of Plymouth, hatter.
Openshaw Richard Walker, of Prestwich, brewer.
Rose William, of Dover-street, hotel-keeper.
Vigers Thomas, of the Strand, brass-founder.

September 26.—*Gazette*, September 5.

Bacon Thomas Avery, of Markfield, Leicestershire, flour-seller.
Elliott James, of Derby, currier.
Gibbs Frederick Forman, of Liverpool, ship-broker.
Kurtz Charles, of Salford, manufacturing chemist.
Pearson George Kent, of Maclesfield, silk-throwster.
Rowling George, of Leeds, stuff-dyer.
Wagner George, of Southampton-street, Strand, linen-draper.

September 29.—*Gazette*, September 8.

Crampton Joshua, of Tong, scribbling miller.
Sidebottom Alfred, of Two Bridges, Lancashire, calico-printer.
MacCracken Ross, of Manchester, flour and provision dealer, baker, and shopkeeper.
Machell Maria, and Charles Machell, of Fountain Stairs, Bermondsey, potters.
Partridge Thomas, jun., of Aston, maltster.
Rowling Joseph, of Leeds, stuff-dyer.

October 3.—*Gazette*, September 12.

Forrester William, of Red Lion-street, Clerkenwell, working jeweller.
Gollidge John, jun., of Frome Selwood, currier.
Hardwicke Samuel, of Birmingham, builder.
Maude Gideon, of Wetherby, money-scrivener.
Miller Robert, of Norwich, tobaccoist.
Unsworth William, of Derby, silk lace-manufacturer.

October 6.—*Gazette*, September 15.

Horsfall John, of Coventry, maltster and victualler.
Kinsey Simon, of Badwell Ash, innkeeper.

October 10.—*Gazette*, September 19.

Baghott Sir Paul, of Bridgend Mills, near Stroud, clothier.
Fisher John, of Manchester, calico-printer.
Gandar Joshua Darwin, of Brill-row, Somers' Town, victualler.
Haworth George, and William Haworth, of Manchester, calico-printers.
Howell John, of Gloucester and Worcester, merchant, (partner with John William Henrig, jun.)
Laxton Wright, of Waltham-croes, innkeeper.
Turley William, of Coseley, canal carrier.
Whele Edwin, of Walsall, grocer.

October 13.—*Gazette*, September 22.

Blyther John, of Hoo, Kent, grocer and cheesemonger.
Lamb Alfred, of New Bond-street, wine-merchant, and dealer in mineral waters, and of Rose-street, Spitalfields, orchil-manufacturer.
Irvine George, of New Shoreham, timber-merchant.
Martin Henry, of Woolhampton, tailor and draper.
Mawdsley Richard, of Manchester, dyer, (partner with Josiah Greaves and John Moore).
Staring Joseph, of Warminster, hatter.
Wootton Thomas, of Bognor, grocer.

October 17.—*Gazette*, September 26.

Ogilvy George, of Kidderminster, carpet-manufacturer.
Parkes George, of Liverpool, linen-draper, (partner with John Carden).
Rice James, of Woodbridge and Ipswich, saddler.
Rose Joseph, of Bow-lane, auctioneer.
Squier Tristram Thomas, of Exeter, brush-manufacturer.

October 20.—*Gazette*, September 29.

Borwell Joseph Coates, of Manchester, baker and flour-dealer.
Everett William Hart, of Manchester, commission-agent.
Woollett Joseph, of Gould-square, merchant.

DIVIDENDS.

Gazette, September 1.

Date of Fiat.
1837, CAPE Thomas (ren. fiat), late of Lincoln, corn-factor; fin. div.
1837, CANNON Robert, of Southampton-row, Middlesex, job-master and livery-stable keeper; div.
1837, CARTLEDGE Silvanus, and Job Cartledge (ren. fiat), both of Lincoln, merchants; second and final div.
1837, HUDSON Richard, of Birmingham, Warwickshire, currier; div.
1837, LEES Abraham Hilton, of Bilston, Staffordshire, iron-master and tallow-chandler; div.
1837, LEES John, of Bilston, Staffordshire, draper and shopkeeper; div.
1837, MALLITT Joseph, of Abergavenny, Monmouthshire, tailor; div.
1837, PAGETT William, of Birmingham, Warwickshire, hosier and haberdasher; div.
1837, ROBBINS Charles, of Birmingham, Warwickshire, currier and leather-cutter; div.
1837, ROSTILL William, of Birmingham, Warwickshire, tortoise and turtle shell, and ivory box, case and caddy maker; div.
1837, RYLAND Charles, of Birmingham, Warwickshire, iron-merchant; div.
1837, SHAW Thomas James, of Bishopwearmouth, Durham, mercer and draper; div.
1837, SMITH John, of Birmingham, Warwickshire, gilt-toy and buckle maker; div.
1829, TERRY William, and John Terry, of Bath, hardwaremen and ironmongers; div.
1836, WELLS Thomas, of Mincing-lane, London, sugar-broker and wine-merchant; fur. div.
1837, WILKS Jonas, of Watling-street, London, Irish-linen warehouseman; final div.

Date of Fiat.

1836, WILSON Henry, of Wigan, Lancashire, tailor and draper; div.

1834, WINN Charles, of Birmingham, Warwickshire, blank tray maker and victualler; fur. div.

Gazette, September 5.

1837, ADDISON James William, of No. 19, Kingsland-place, South-front, Southampton, provision-agent; div.

1837, CRANE Thomas, of Loughborough, Leicestershire, grocer; final div.

1837, DAVENPORT Jedidiah, of Derby, colour-manufacturer; div.

1833, DICKINSON William, of Milk-street, London, warehouseman; final div.

1837, HARRISON James, of No. 22, Charlotte-street, and of Alum-street, both in Manchester, Lancashire, commission-agent and cotton-manufacturer; div.

1837, HAWORTH John, of Rawtenstall, in Whalley, Lancashire, plumber and glazier and grocer; div.

1837, IRVINE George, of New Shoreham, Sussex, timber-merchant; first div.

1836, LOCKWOOD George, and William Wilson, both of Liverpool, Lancashire, merchants and factors; div.

1837, MILLER George, of Bath, Somersetshire, victualler; div.

1825, SCOTT Charles, of Constantine, Cornwall, scrivener; div.

1836, SHARP John, of North Shields, Northumberland, grocer and tallow-chandler; final div.

1836, STEVENSON John, of Bishopwearmouth, Durham, saddler; first and final div.

Gazette, September 8.

1837, ARCHIBALD Joseph, of King-street, Manchester, Lancashire, tailor; div.

1837, CARR Thomas, and William Hartley Carr, of Dewsbury Moor, in Dewsbury, Yorkshire, woollen manufacturers, now or heretofore carrying on business in copartnership together, under the firm of John Carr & Sons; div.

1837, GLEDHILL Henry, and John Gledhill, of Clough Mill, Stanfield, in Halifax, Yorkshire, cotton manufacturers, (carrying on trade at Clough Mill aforesaid, and also in Manchester, Lancashire, under the firm of William Gledhill & Sons); sep. div. of each.

1837, HOLMES Samuel, of Derby, silk and silk waste dealer; div.

1835, JOHNSTONE Henry, of Sheffield, Yorkshire, coach-maker; final div.

1837, RAYSON Thomas, of the Dolphin Inn, Romford, Essex, innkeeper; div.

1837, ROACH Thomas, of Manchester, Lancashire, linen-draper; div.

1837, SCOTT William, of Bristol, corn-factor; div.

1836, TRENCH Francis (ren. fiat), of Liverpool, Lancashire, merchant; div.

1837, WOOD George, of Lyme Regis, Dorsetshire, linen-draper; first and final div.

Gazette, September 12.

1836, BEAUMONT William, and Charles Beaumont, of Ember Mills, Thames Ditton, Surrey, millers; final div.

1837, BUSSEY Robert, of Leeds, Yorkshire, plasterer and beer-retailer; div.

1837, COCKCROFT William, and John Whitaker, both of South-wram, in Halifax, Yorkshire, stone-merchants; div.

1835, FLOOK Moses, of Kingswood-hill, in St. George, Gloucestershire, currier and shoemaker; second and final div.

1837, GOUGH William, of Wem, Salop, tanner; div.

1832, LOCKWOOD Thomas, the younger, and John Cockburn, both of Huddersfield, Yorkshire, heretofore carrying on business at Huddersfield aforesaid, in copartnership together, as woollen-cloth manufacturers and merchants, under the firm of Lockwood & Cockburn; final div.

Date of Fiat.

1832, LOCKWOOD Thomas, of Huddersfield, Yorkshire, wooll-stapler; final div.

1829, PHILLIPS Edward, of Bristol, and of Melkham, Wiltshire, vitriol maker and dyer; final div.

1837, READING Samuel, and John Reading, of Birmingham, Warwickshire, gilt-toy makers, and hook and eye manufacturers; div.

1835, SMALLWOOD Thomas, of Birmingham, Warwickshire, grocer; final div.

1837, TAPSCOTT Samuel Loveless, lately of Minehead, Somersetshire, and lately carrying on the trade or business of a coal and lime merchant (but now of Guernsey); div.

Gazette, September 15.

1837, ANDREW Joseph, late of the Crown public-house, Lad-lace, London, and now residing at No. 18, Guildford-street East, Wilmington-square, Middlesex, licensed victualler; div.

1837, BURGE William, of Wareham, Dorsetshire, tanner and currier; div.

1836, BUTLER Charles, of Topbridge Wells, Kent, Tonbridge-ware manufacturer; div.

1837, COCKRAM William Shadrack, of Taunton, Somersetshire, ironmonger; div.

1837, COPPOCK Charles, of No. 47, Strand, Middlesex, boiler; div.

1837, GARNER Joseph, of Dunchurch, Warwickshire, innkeeper and coach-proprietor; first div.

1837, HADLEY James, of Birmingham, Warwickshire, mercer and draper; div.

1837, HIND Thomas, and Charles Clayton, of Nottingham, lace-manufacturers; joint div., and sep. div. of Hind.

1828, KNIBBS James, of Oxford, innkeeper; final div.

1837, LYON James, of Bristol, merchant; div.

1824, MARSH William, Josias Henry Stracey, and George Edward Graham, of Berners-street, Middlesex, bankers; sep. div. of Marsh.

1837, MORGAN Stephen, of Birmingham, Warwickshire, and also of Dame-street, Dublin, and of Limerick, toy-merchant and shopkeeper; div.

1837, ROBBINS Charles, of Birmingham, Warwickshire, currier and leather-cutter; div.

1837, THATCHER Robert, and William Thatcher, of New Mills, Derbyshire, cotton-spinners and candlewick makers; div.

1835, WILLIAMS Richard, of Aberystwith, Cardiganshire, innkeeper; div.

Gazette, September 19.

1837, ARTHUR John, of Colyton, Devonshire, paper-manufacturer; div.

1837, BARKER Daniel, of No. 69, Queen-street, Cheapside, London, grocer and oilman; div.

1837, BOOT Francis, of Nottingham, tatting and lace manufacturer; div.

1837, CONSTABLE Walter, of the Hay, Breconshire, and of Dol-lais, Glamorganshire, grocer and shopkeeper; div.

1837, CROPPER James, of Nottingham, bobbin and carriage maker and machine builder; div.

1837, EVANS James Wright, of Birmingham, Warwickshire, japanner and grocer; div.

1837, GOUGH William, of Wem, Salop, tanner; div.

1837, HIM Charles, of Salisbury-square, London, hotel and tavern keeper; div.

1837, LENG Richard, of Birmingham, Warwickshire, victualler; first and final div.

1837, MARTIN Thomas, late of the Pavement, Moorfields, London, victualler; div.

1837, MILNES Thomas Brown, and Robert Cowen, of Nottingham, iron and brass founders and ironmongers; div.

DIVIDEND LIST FOR SEPTEMBER.

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Date of Fiat.

- 1837, POTT Stephen, of Edmonton, Middlesex, glass, china, and basket-dealer; div.
- 1836, SLACK Samuel Hague, of Ardwick, Manchester, Lancashire, surgeon and druggist; div.
- 1835, STEPHENSON James, Thomas John Stephenson, and Isaac Grimaby Stephenson, of Bridlington Quay, Yorkshire, wine and spirit merchants; final div.
- 1837, SYMONDS Samuel, of Basinghall-street, London, Blackwell-hall factor and warehouseman; div.
- 1837, TAYLER John, of Holborn, Middlesex, carpet-dealer; div.
- 1837, TOZER John Edmonds, of Milk-street, Cheapside, London, wholesale hosier; div.
- 1837, WEBB John, of High-street, Southwark, Surrey, linen-draper; div.

Gazette, September 22.

- 1837, CROMPTON James, of Manchester, Lancashire, woollen-draper; div.
- 1836, HILEY Samuel, of Liverpool, Lancashire, soap-manufacturer; div.
- 1836, HODGKINSON George, of Derby, mercer and draper; first and final div.
- 1837, NOAKES Joseph Elias, of Robertbridge, Sussex, innkeeper; div.
- 1835, STARLING Charles, of Knightwick, Worcestershire, miller; final div.
- 1836, TEASDALE John, and George Atkinson Swales, of Sheffield, timber and slate merchants and dealers in cement; div.
- 1837, WELCH Thomas, and John Sells, both of New Islington, in Ancoats, Manchester, Lancashire, cotton-spinners and manufacturers; first and final sep. div. of Welch.
- 1835, WRIGHT William, of Rougham, Norfolk, horse-dealer; final div.
- 1832, WROE Thomas, of Hollinwood, in Prestwich-cum-Oldham, Lancashire, cotton-spinner and manufacturer; fur. and fin. div.

Gazette, September 26.

- 1837, BISHOP Thomas, of Ashton-under-Lyne, Lancashire, builder and brick-setter; div.
- BROWN, Danson, and Duncan, of New Broad-street, merchants; div.
- 1834, DAVIES Thomas Charles, late of Wrexham, Denbighshire, grocer and tallow-chandler; final div.
- 1837, FISHER John, of Liverpool, Lancashire, publican; div.
- 1837, HUDSON John, of Gloucester, coal-merchant; div.
- 1837, KINGSLEY Henry, of Enfield Town, Middlesex, tailor and draper; final div.
- 1835, MITCHELL Samuel, of Sheffield, Yorkshire, merchant and factor; fur. div.
- 1837, POULTON Henry, of Torquay, Devonshire, cabinet-maker; div.

Date of Fiat.

- 1835, SEABER James, of Newmarket St. Mary, Suffolk, scrivener; fur. div.
- 1837, SOULBY John, and Alfred Souby, of the Union Brewery, Lambeth-walk, brewers; joint div., and sep. div. of J. Souby.
- 1837, STEAINS Henry, of Bunhill-row, Middlesex, grocer and tea-dealer; final div.
- 1836, STOUT James, of Liverpool, Lancashire, boot and shoe maker; div.
- 1836, TEASDALE John, and George Atkinson Swales, of Sheffield, Yorkshire, timber and slate merchants and dealers in cement; div.
- 1837, VIGERS Thomas, of No. 2, George-place, Acre-lane, Brixton, Surrey, and late of No. 291, Strand, Middlesex, brass-founder and gas-fitter; div.
- 1837, WARWICK William Sidney, and Thomas William Clagett, of Billiter-square, London, merchants; joint and sep. divs.
- 1811, WORRALL William, and Robert Williamson, of Liverpool, Lancashire, merchants; final joint and sep. divs.
- 1837, WOOTTEN Thomas, late of Bognor, Sussex, grocer; fin. div.

Gazette, September 29.

- 1837, BAKER George, the elder, and George Baker, the younger, of Portsea, Southampton, provision merchants and cheesemongers; div.
- 1837, BOWERING John, of Nelson-place, in Clifton, Bristol, butcher; div.
- 1831, CHAPMAN James Norris, of Bridgwater, Somersetshire, linen-draper; div.
- 1837, CLOUGH Samuel, of Leeds, Yorkshire, timber-merchant; first div.
- 1834, DUTTON Joseph Theodoret, of Harrington, Cumberland, manufacturing chemist; div.
- 1837, HALL Daniel Walt, of Peter-street, Bristol, glazier and glass-seller; div.
- 1837, HICKS Charles, and William Hicks, of Christchurch, Southampton, mealmen; div.
- 1837, JONES William, of Wolverhampton, Staffordshire, builder and carpenter; div.
- 1836, KENT William, and Henry Green, now or late of Liverpool, Lancashire, woollen-drapers and haberdashers; div.
- 1837, KNOWLES William, of Hyde, Cheshire, cordwainer and clothesman; div.
- 1837, ROBINSON Joshua, of Melbury-terrace, Dorset-square, St. Marylebone, painter and glazier; div.
- 1837, STARLING Joseph, of Warminster, Wiltshire, hatter; first and final div.
- 1837, THELWALL John, of Mill-houses, in Wirksworth, Derbyshire, hat-manufacturer; div.
- 1833, WATKINSON Thomas, of Liverpool, Lancashire, tobacconist; fur. div.
- 1837, WRAY Martin Osterfield, of Holborn-hill, chemist and druggist; div.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS, IN THE MONTH OF OCTOBER, 1837.

BANKRUPTS.

London Gazette, Tuesday, October 3, 1837.

BANKRUPTCY SUPERSEDED.

BROWN Sarah, of Cambridge, butcher.

TOWN AND COUNTRY FIATS.

BOLTON William, of the city of York, linen-draper, mercer, *d. c.*—Sols. Makinson & Sanders, Middle Temple, and Atkinson & Co. Manchester. Fiat, Sept. 28.

COOKE Thomas, of Loughborough, in the county of Leicester, grocer and tea-dealer and lace-manufacturer, *d. c.*—Sols. Smith, Derby, and Scargill, Hatton-court. Fiat, Sept. 26.

DENNISTOUN George, and Robert Laird, late of Liverpool, in the county of Lancaster, merchants (late carrying on business in partnership with Benjamin Buchanan and David Laird, at Liverpool aforesaid, under the firm of Buchanan, Laird, & Company, and at Glasgow, under the firm of David Laird & Company).—Sols. Lowndes & Robinson, Liverpool, and Taylor & Co. Bedford-row. Fiat, Sept. 26.

GWYTHYR William, of No. 17, Piccadilly, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, G. J. Graham, Basinghall-street.—Sol. Burt, Aldermanbury. Fiat, Sept. 26.

JOHNSON Joseph, of Liverpool, in the county of Lancaster, flour-dealer, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Toulmin, Liverpool. Fiat, Sept. 18.

JONES Edward, late of Birmingham, in the county of Warwick, but now of Kingston-upon-Thames, in the county of Surrey, grocer, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Pounall, St. Michael's-alley, Cornhill. Fiat, Oct. 3.

MAWDSLEY Philip, of Kirkdale, near Liverpool, in the county of Lancaster, victualler, *d. c.*—Sols. Blackstock & Co. Temple, and Jones, Liverpool. Fiat, Sept. 27.

MORRIS John Simmons, of Devonport, in the county of Devon, iron-founder, *d. c.*—Sols. Surr, Lombard-street, and Elworthy, Plymouth. Fiat, Sept. 18.

RANSOM William, of Stowmarket, in the county of Suffolk, corn and flour merchant, *d. c.*—Sols. Norris, Debenham, and Dixon & Sons, New Boswell-court. Fiat, Sept. 27.

SHAW John William, of Liverpool, in the county of Lancaster, broker and merchant, *d. c.*—Sols. Blackstock & Co. Temple, and Little-dale & Bardswell, Liverpool. Fiat, Sept. 21.

Gazette, Friday, October 7.

TOWN AND COUNTRY FIATS.

BROOM John, of Kidderminster, in the county of Worcester, worsted yarn spinner, *d. c.*—Sols. Holme & Loftus, New Inn, and Talbot, Kidderminster. Fiat, Sept. 13.

BULLOCK George, of Derby, in the county of Derby, tea-dealer, *d. c.*—Sols. Smith, Derby, and Scargill, Hatton-court. Fiat, Oct. 3.

FORD John, the younger, of Porto Bello, in the liberty of Willenhall, in the parish of Wolverhampton, in the county of Stafford, locksmith, *d. c.*—Sols. White & Whitmore, Bedford-row, and Smith, Walsall. Fiat, Sept. 30.

GRUNDY William, of Pilkington, in the county of Lancaster, cotton-spinner and manufacturer, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, Grundy, Manchester, and Grundys, Bury. Fiat, Sept. 26.

d. c. dealer and chapman.

HARRISON John Everingham, of the town and county of the town of Nottingham, hatter, *d. c.*—Sols. Yallop, Basinghall-street, and Parsons & Sons, Nottingham. Fiat, Sept. 12.

PARR Richard, of Liverpool, in the county of Lancaster, draper, *d. c.*—Sols. Smithson & Dunn, Southampton-buildings, and Thompson & Cresswell, Manchester. Fiat, Sept. 7.

SHEPPARD Robert, of Boston, in the county of Lincoln, corn-merchant, *d. c.*—Sols. Jebb, Boston, and Hawkins & Co. New Boswell-court. Fiat, Sept. 28.

SHIRLEY Robert, of the parish of Kinfare, in the county of Stafford, worsted-yarn manufacturer, *d. c.*—Sols. Smith, Chancery-lane, and Hill & Daniel, Worcester and Kidderminster. Fiat, Sept. 28.

SILVESTER Henry, of Birmingham, in the county of Warwick, Florentine button maker, *d. c.*—Sols. Alexander & Co. Lincoln's Inn-fields, and Danks, Birmingham. Fiat, Oct. 2.

Gazette, Tuesday, October 10.

TOWN AND COUNTRY FIATS.

BARTLEET William, of Redditch, in the county of Worcester, needle manufacturer, *d. c.* (heretofore carrying on trade in partnership with Joseph Clarke, now deceased, under the style or firm of Bartleet & Clarke).—Sols. Porter & Nelson, New-court, Middle Temple, and Browning, Redditch. Fiat, Sept. 27.

BULLEN Samuel, of the city of Norwich, linen-draper, *d. c.*—Sols. Storey, Gray's Inn, and Mendham, Norwich. Fiat, Sept. 12.

CHAPMAN John, the younger, of Frome Selwood, in the county of Somerset, clothier, *d. c.*—Sols. Perkins & Frampton, Gray's Inn, and Miller, Frome. Fiat, Oct. 6.

ELLIS Robert, of Preston, in the county of Lancaster, cotton-spinner, *d. c.*—Sols. Adlington & Co. Bedford-row, and Ascroft, Preston. Fiat, Oct. 4.

FOULKES Thomas, formerly of the Duke of Clarence public-house, London-road, in the county of Surrey, and now or late of the Bell public-house, Bell-yard, Gracechurch-street, in the city of London, victualler, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sol. Davis, Charlotte-street, Bedford-row. Fiat, Oct. 9.

FOULKES Robert, of Denbigh, in the county of Denbigh, in North Wales, linen-draper and mercer, *d. c.*—Sols. Makinson & Sanders, Temple, and Atkinson & Co. Manchester. Fiat, Sept. 15.

HICKMAN John, late of Ledwych, in the parish of Bitterley, in the county of Salop, but now of All Stretton, in the parish of Church Stretton, in the same county, hop-merchant, *d. c.*—Sols. Anderson, Ludlow, and Wilton, Gray's Inn-square. Fiat, Sept. 29.

HOLLAND Thomas, and William Ellam, the elder, late of Birmingham, in the county of Warwick, lead and colour merchants, cock-founders, *d. c.* (heretofore carrying on business under the style or firm of Thomas Holland & Company).—Sols. Chaplin, Gray's Inn-square, Richards & Motteram, Birmingham, and Fox, Ashbourne. Fiat, Sept. 25.

LEWELLYN John, of the Guildhall-square, in the county of the borough of Carmarthen, draper, *d. c.*—Sols. Morris & Jones, Carmarthen, and Chilton, Chancery-lane. Fiat, Sept. 11.

NAINBY John Henry, of No. 128, Blackfriars-road, in the county of Surrey, dealer in tobacco and snuff.—Official assignee, G. Greer, Aldermanbury.—Sol. Hare, Great James-street, Bedford-row. Fiat, Oct. 6.

WEST William Anthony Augustin, of Eccleston, in the county of Lancaster, crown and flint glass manufacturer, *d. c.*—Sols. Chester, Staple Inn, and Barnes, St. Helen's. Fiat, Sept. 28.

Gazette, Friday, October 13.

BANKRUPTCY SUPERSEDED.

SCOTT William, of Bristol, corn-factor.

TOWN AND COUNTRY FIATS.

BARTON James, of Howden, in the county of York, draper and grocer.—Sols. Rosser & Son, Gray's Inn, and England & Shackles, Hull. Fiat, Oct. 2.

BRAZIER Frederick George, of Leamington Priors, in the county of Warwick, oil and colourman, *d. c.*—Sols. Matthews, Oxford, and Holmes, Great James-street. Fiat, Oct. 3.CALTHROP George, of Spalding, in the county of Lincoln, merchant, *d. c.*—Sols. Alger, Bedford-row, and Cooke, Boston. Fiat, Sept. 7.FARRINGTON John, of Blackpool, in the county of Lancaster, inn-keeper, plumber, and glazier, *d. c.*—Sols. Chester, Staple Inn, Armstrong, Preston, and Ashcrofts, Preston. Fiat, Oct. 3.JONES Thomas, of the borough of Kidderminster, in the county of Worcester, carpet-manufacturer, *d. c.*—Sols. Smith, Chancery-lane, and Hill & Daniel, Worcester and Kidderminster. Fiat, Sept. 14.MILLER James Hine, late of Newgate-street, in the city of London, but now of Mitcham, in the county of Surrey, seedsman and florist, *d. c.* (some time since in partnership with Robert Randall Chubb, in Newgate-street aforesaid).—Official assignee, G. Gibson, Basinghall-street.—Sol. Murray, London-street. Fiat, Oct. 13.NORRIS William, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Sols. Norris & Allen, Bartlett's-buildings, and Toulmin, Liverpool. Fiat, Oct. 6.

STRINGER George, the elder, of High-street, Islington, in the county of Middlesex, furnishing ironmonger.—Official assignee, G. Green, Aldermanbury.—Sol. Ness, Dyer's-buildings. Fiat, Oct. 12.

WHITAKER John, of Wortley, in the parish of Leeds, in the county of York, cloth-manufacturer, *d. c.*—Sols. Hardwick & Davidson, Cateaton-street, and Lees, Leeds. Fiat, Oct. 2.*Gazette, Tuesday, October 17.*

TOWN AND COUNTRY FIATS.

CARR Richard, of Headington, in the county of Oxford, butcher, cattle-salesman, *d. c.*—Sols. Walsh, New Inn, and Pownall & Cross, Staple Inn. Fiat, Sept. 28.GILES Francis, of Fort-street, Spitalfields, in the county of Middlesex, silk-manufacturer, *d. c.*—Official assignee, W. Turquand, Copthall-buildings.—Sol. Smith, King's Arms-yard. Fiat, Oct. 16.JOHNSTON Thomas, and William Bevern, of No. 2, Panton-street, Haymarket, in the county of Middlesex, tailors, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Davies, Leicester-square. Fiat, Oct. 12.KNIGHT Edward, of Ulverston, in the county of Lancaster, currier and leather-cutter, *d. c.*—Sols. Yarker, Ulverston, and Bignold & Co. New Bridge-street. Fiat, Sept. 25.LINEHAM William, of Cheltenham, in the county of Gloucester, slater, plasterer, and builder, *d. c.*—Sols. G. Stephens, Blackfriars-road, and S. Stephens, Cheltenham. Fiat, Oct. 13.MIRFIN Edward, of Manchester, in the county of Lancaster, general warehouseman, *d. c.*—Sols. Cooper, Manchester, and Adlington & Co. Bedford-row. Fiat, Oct. 11.WELLS John, now or late of Sheffield, in the county of York, licensed victualler, *d. c.*—Sols. Fidley, Serjeants' Inn, and Rayner & Thompson, Sheffield. Fiat, Sept. 28.WICKSTEED Robert, late of the Camel public-house, No. 107, Minories, in the city of London, and of Haydon-square, Middlesex, but now of No. 57, Paradise-street, Rotherhithe, in the county of Surrey, victualler and livery-stable keeper, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sol. Asprey, Furnival's Inn. Fiat, Oct. 12.*Gazette, Friday, October 20.*

TOWN AND COUNTRY FIATS.

BARRETT Jane, of Boston, in the county of Lincoln, widow, machine-maker, carpenter, *d. c.*—Sols. Hollway & Co. Boston, and Tooke & Son, Bedford-row. Fiat, Oct. 10.BISSET William Alfred, of Manchester, in the county of Lancaster, silk-manufacturer, *d. c.*, (now or late carrying on business there in partnership with Mary Bisset, under the firm of M. and W. A. Bisset).—Sols. Johnson & Co. Temple, and Bagshaw & Stevenson, Manchester. Fiat, Oct. 13.BURRELL Edward, of Liverpool, in the county of Lancaster, ironmonger, *d. c.*—Sols. Johnson & Co. Temple, and Stringer & Dewhurst, Liverpool. Fiat, Oct. 5.CHUBB Robert Randall, of No. 70 and 71, Newgate-street, in the city of London, seedsman and florist, *d. c.* (late copartner with James Hine Miller, late of the same place, seedsman and florist).—Official assignee, Johnson, Basinghall-street.—Sol. Dyer, Took's-court, Chancery-lane. Fiat, Oct. 12.

HOLLOWAY John, of Bridge-street, Blackfriars, in the city of London, straw-hat manufacturer, (trading under the firm and style of John Holloway & Co.)—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Rains, Bucklersbury. Fiat, Oct. 12.

JAMES William Henry, of Redditch, in the county of Worcester, ironmonger and grocer, *d. c.*—Sols. Clarke & Medcalf, Lincoln's Inn-fields, and Tyndall & Rawlins, Birmingham. Fiat, Oct. 16.JARMAN John, of Paris-street, in the city of Exeter, chandler, *d. c.*—Sols. Bennett, Featherstone-buildings, Holborn, and Loosemore & Govett, Tiverton. Fiat, Oct. 5.KINGSWELL William, of Liverpool, in the county of Lancaster, cooper, and of Bootle, in the same county, common brewer, *d. c.*—Sols. Adlington & Co. Bedford-row, and Frodsham, Liverpool. Fiat, Sept. 30.MACLEOD Angus, of No. 4, Adam's-court, Old Broad-street, in the city of London, commission-agent, *d. c.*—Official assignee, G. Lackington, Basinghall-street.—Sol. Harris, Lincoln's Inn. Fiat, Sept. 25.MIRFIN Richard, of Leeds, in the county of York, draper, *d. c.*—Sols. Burt, Aldermanbury, and Bennett, Manchester. Fiat, Oct. 16.

MITCHELL William, late of the city of Dublin, in that part of the United Kingdom called Ireland, but now of No. 14, St. Helen's-place, in the city of London, banker.—Official assignee, W. Whitmore, Basinghall-street.—Sol. Price, King William-street. Fiat, Oct. 17.

SHEPPARD John, of Lower Grosvenor-street, Grosvenor-square, in the county of Middlesex, wine-merchant, hotel-keeper, *d. c.*—Official assignee, W. Whitmore, Basinghall-street.—Sol. Williams, Alfred-place, Bedford-square. Fiat, Oct. 17.VOWLES Thomas, of the parish of Yatton, in the county of Somerset, tailor and shopkeeper, *d. c.*—Sols. Shearman & Freeman, Bartlett's-buildings, and Day, Bristol. Fiat, Oct. 12.*Gazette, Tuesday, October 24.*

TOWN AND COUNTRY FIATS.

BAILEY Thomas, of the town and county of the town of Nottingham, and of Bingham and Beeston, both in the county of Nottingham, draper and grocer, *d. c.*—Sols. Loughborough, White Hart-court, Lombard-street, and Trinity-square, Southwark. Fiat, Oct. 19.COMPSON Thomas, of Hales Owen, in the county of Salop, tanner and currier, *d. c.*—Sols. Strangways & Walker, Barnard's Inn, and Harrison, Stourbridge. Fiat, Oct. 20.EVANS Owen, of No. 7, Ulster-place, Regent's-park, in the county of Middlesex, surgeon and apothecary, *d. c.*—Official assignee, D. Cannan, Sambrook-court.—Sols. Borradaile & Middleton, King's Arms-yard. Fiat, Oct. 2.

GILBERT William, of Hackney, in the county of Middlesex, builder.—Official assignee, Johnson, Basinghall-street.—Sol. Ashley, Shoreditch. Fiat, Oct. 19.

HAYCRAFT Joseph, of Birmingham, in the county of Warwick, drysalter, *d. c.*—Sols. Sculthorpe, Gray's Inn, and Weston, Birmingham. Fiat, Oct. 18.

HENDERSON Richard, late of Tottenham-court-road, in the county of Middlesex, hosier, glover, tailor, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Warne, Leadenhall-street. Fiat, Oct. 11.

HOUGHTON Henry, and Thomas Stanton, of Great Dover-road, Southwark, in the county of Surrey, upholsterers, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Oliver, Old Jewry. Fiat, Oct. 23.

HYDE William, of Sheffield, in the county of York, comb-manufacturer, *d. c.*—Sols. Rogers, Devonshire-square, and Ryalls, Sheffield. Fiat, Oct. 3.

KILLBE William, and Charles Ludyatt, of the Tivoli Tavern, Windmill-hill, Gravesend, in the county of Kent, licensed victuallers, *d. c.*, the said William Killbe being also of No. 52, Lime-street, in the city of London.—Official assignee, G. Gibson, Basinghall-street.—Sol. Shaw, Old Jewry. Fiat, Oct. 20.

SHELDON John, of Cheltenham, in the county of Gloucester, builder, *d. c.*—Sols. Bousfield, Guildhall-buildings, and Winterbotham, Cheltenham. Fiat, Sept. 23.

Gazette, Friday, October 27.

BANKRUPTCY ENLARGED.

WALKER & Co. of Thurstonland, Kirkburton, clothiers.

TOWN AND COUNTRY FIATS.

CLAPHAM William, of No. 285, Strand, in the county of Middlesex, commonly known by the name or sign of the Angel and Sun, licensed victualler, *d. c.*—Official assignee, Goldsmid, Ironmonger-lane.—Sol. Nias, Cophall-court. Fiat, Oct. 27.

GILES Thomas, of Leeds, in the county of York, joiner and builder, *d. c.*—Sols. Battye & Co. Chancery-lane, and Naylor, Leeds. Fiat, Oct. 10.

HEYWOOD George Sandys, now or late of Exeter-street, Strand, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, G. Gibson, Basinghall-street.—Sols. Dangerfield, Lincoln's Inn-fields, and Brinton, Kidderminster. Fiat, Oct. 17.

PRICHARD Ambrose, of Emscole, in the borough of Warwick, in the county of Warwick, builder, *d. c.*—Sols. Ewington, Leamington, and Rushworth, Staple Inn. Fiat, Oct. 19.

REVILL George, of No. 41, Blackman-street, in the borough of Southwark, in the county of Surrey, linen-draper, *d. c.*—Official assignee, Johnson, Basinghall-street.—Sol. Hooker, Bartlett's-buildings. Fiat, Oct. 23.

SLACK Robert, of Heafield, in the county of Derby, paper-manufacturer, *d. c.*—Sols. Bower & Back, Chancery-lane, and Lingard & Co. Heaton Norris. Fiat, Oct. 3.

SMITH John, of the town and county of the town of Nottingham, victualler and brick-maker.—Sols. Fox & Lowe, Nottingham, and Willett & Campbell, Essex-street, Strand. Fiat, Oct. 20.

STEVENS Mary Ann, and Ann Oldroyd, of No. 23, Bedford-square, in the parish of St. Giles in the Fields, in the county of Middlesex, boarding and lodging-house keepers, *d. c.* and copartners.—Official assignee, Green, Aldermanbury.—Sols. Crowder & Maynard, Mansion-house-street. Fiat, Oct. 24.

WALL Robert, of Great Yarmouth, in the county of Norfolk, linen-draper, *d. c.*—Sols. Hawkins & Co. New Boswell-court, and Tolver & Preston, Yarmouth. Fiat, Oct. 5.

Gazette, Tuesday, October 31.

TOWN AND COUNTRY FIATS.

ANNELY John, of the parish of St. Wollos, in the county of Monmouth, coal-merchant, *d. c.*—Sols. Frotheroe & Phillips, Newport, and Platt & Hall, New Boswell-court. Fiat, Oct. 20.

CRADDOCK George, of Store-street, Bedford-square, in the county of Middlesex, chemist and druggist, *d. c.*—Official assignee, G. Green, Aldermanbury.—Sols. Wood & Ellis, Corbet-court. Fiat, Oct. 30.

FREEMAN William Edwards, of Manchester, in the county of Lancashire, mercer and draper, *d. c.*—Sols. Sale, Manchester, and Baxters, Lincoln's Inn-fields. Fiat, Oct. 18.

MORRISON James, and William Stone, of Harp-lane, Tower-street, in the city of London, wine, spirit, and beer merchants, and copartners.—Official assignee, Johnson, Basinghall-street.—Sol. Norton, New-street, Bishopsgate-street. Fiat, Oct. 30.

PRESTON Elizabeth, of the town and county of the town of Nottingham, commission-agent and lace-maker.—Sols. Capes & Stuart, Bedford-row, and Wadsworth, Nottingham. Fiat, Oct. 11.

RICHMOND George, of Rinton, in the parish of Sedgley, in the county of Stafford, miller and baker, *d. c.*—Sols. White & Whitmore, Bedford-row, and Smith, Walsall. Fiat, Oct. 26.

RILEY Edward, of No. 2, Argyle-place, Regent-street, Oxford-street, in the county of Middlesex, tailor, *d. c.*—Official assignee, W. Turquand, Cophall-buildings.—Sols. Hopwood & Foster, Chancery-lane. Fiat, Oct. 27.

SEALS John, of the town and county of the town of Nottingham, lace-manufacturer, *d. c.*—Sols. Cowlay, Nottingham, and Johnson & Co. Temple. Fiat, Oct. 24.

SIMPSON Samuel, and Thomas McKinsty Simpson, of Ardee, in the county of Louth, and of Bailieborough Mills, in the county of Cavan, in Ireland, and also trading to England as corn-dealers, millers, *d. c.* and copartners, under the firm of Samuel Simpson & Son.—Sols. Makinson & Sanders, Temple, and Atkinson & Birch, Manchester. Fiat, Oct. 27.

WILBY Henry, of High Town, in the county of York, card-maker, *d. c.*—Sols. Flower, Bread-street, and Carrs, Gomersal. Fiat, Oct. 23.

WILKINS John, late of the borough of Newport, in the county of Monmouth, corn-factor, *d. c.*—Sols. White & Whitmore, Bedford-row, and Bevan & Brittan, Bristol. Fiat, Oct. 16.

CERTIFICATES TO BE ALLOWED:

October 24.—Gazette, October 3.

Harris Francis Wood, of Hatton-garden, general hardware factor.
Keyse James, of Aberystwyth and Pontypool, grocer and draper.
Noblet Thomas, and William Noblet, of Manchester, corn-merchants and cheesemongers.

Southam John, of Tillotson-place, Waterloo-road, boarding-house keeper.

Watts Jacob, of Bristol, boot and shoe maker and shopkeeper.

October 27.—Gazette, October 7.

Burgess Daniel, of Duke-street, Grosvenor-square, jeweller.

Evans Thomas, of Mortimer-street, apothecary.

Green John, of Bushy, dealer in cattle.

Middleton John, of Broad-street, warehouseman.

Palmer John, of Coleshill, scrivener.

Richardson George, of Smith's-buildings, City-road, coach-builder.

Rosenbaum Abraham, of Salisbury, jeweller.

Sillett John, of Oxford, linen-draper.

October 31.—Gazette, October 10.

Gordon John Corson, of Manchester, *d. c.*

Morgan Hugh, of Builth, farmer, innholder, and butcher.

Rudge James, of the Corn Exchange, and of Harder's-road, Pecham, merchant, and corn and malt dealer.

Sears Robert, of Paternoster-row, engraver.

Shindler John, of Brompton, Kent, butcher.

Standen James, of Grosvenor-street, victualler.

Swinburn John, of Liverpool, cabinet-maker.

Whitehead John, of Woodford, late of Parke-street, Southwark, and of Stratford, dyer and manufacturer.

November 3.—Gazette, October 13.

Goodwin William, of Gillingham, timber-merchant.

Hutchinson Richard, of Manchester, merchant, and of Portwood, cotton-manufacturer.

Knox Alexander, of Maddox-street, tailor.

M'Intyre John, of Manchester, floor-cloth manufacturer and linen-merchant.

Nicklin Samuel Edward Kettle, of Leamington, building surveyor and builder.

Westley Frederick, and Abraham Hopkins Davis, of Stationers' Hall-court, booksellers.
 Weston Warwick, of Gracechurch-street, merchant.
 Wood William, of Gravesend, carpenter.

November 7.—Gazette, October 17.

Allwright Edward, of Little Newport-street, Newport-market, cheesemonger and poulterer.
 Anderson William, of New-road, St. George's in the East, victualler.
 Barrow Thomas, of Ashton-under-Lyne, innkeeper.
 Bean Charles, of Long-acres, coach-maker.
 Brown Humphrey, late of Gloucester, but now of Edgbaston, carrier and commission agent.
 Holt James, of Bolton, innkeeper.
 Pegg Harry, of Tunbridge Wells, hotel-keeper.
 Postan Thomas George, of Aldersgate-street, auctioneer.
 Rees Joseph, of Stratford, chemist.
 Reynolds Richard, of Leeds, bill-broker.
 Stocker Alexander Southwood, of Birmingham, machinist.
 Worthen Samuel, of Drayton, miller and corn-dealer.

November 10.—Gazette, October 20.

Butler Charles, of Tonbridge Wells, Tonbridge ware manufacturer.
 Cakebread Samuel, of Warwick, stone-mason.
 Calvert William, of Worthing, woollen-draper and tailor.
 Curtis Thomas, of Totton-street, Stepney, shipping butcher.
 Dorset Henry, of Hurstmonceux, Essex, grazier, salesman, and hop-merchant.
 Eabbage William Boulton, of Great Yarmouth, mast and block maker.
 Lea James, jun., of Worcester, butcher.
 Wood Robert, of Rochdale, money-scrivener and cotton-spinner.

November 14.—Gazette, October 24.

Brown John, of Birmingham, paper-colourer, (partner with William Henry Williams).
 Cockcroft William, and John Whitaker, of Southowram, Halifax, stone-merchants.
 Crozier Matthew, of Liverpool, commission merchant and broker.
 Hall Samuel Carter, of Elm Grove House, Kensington, bookseller.
 Hill Christopher, of Clarence-street, St. Luke's, brewer.
 Hough George, of Bradford, Yorkshire, ironmonger and victualler.
 MacLean Edward, of Cheltenham, general dealer.
 Radenburst Charles, of Birmingham, innkeeper.
 Scott David, of Marylebone-street, woollen-draper.
 Stubbs Joseph, of Birmingham, whip-manufacturer.
 Vandean Louis Jean Baptiste, of Regent-street and Gerrard-street, perfumery (partner with Hyacinthe Mars Rimmel, and Pierre Joseph Gabriel Augustin Bessan).

November 17.—Gazette, October 27.

Bishop Thomas, of Ashton-under-Lyne, builder.
 Brown Joseph, of Manchester, tobaccoist and lodging-house keeper.
 Caudwell Charles, of Manchester, baker.
 Felton Richard, of Victualling-office-square, Tower-hill, victualler.
 Williams John, of Abergavenny, upholsterer.

November 21.—Gazette, October 31.

Absalom Charles, of Newbury, grocer.
 Dails John, of Goolle, broker and coal-merchant.
 Dods William, of Percy-street, linen-draper, (partner with Roger Moore).
 Drury Thomas Russell, of Johnson's-court, Fleet-street, printer.
 Jenkins William Walker, of Birmingham, brass-founder.
 Keyte Stephen, of the Minories, oilman.
 Large John, of Great Queen-street, coach-builder.
 Sparrow Frederick, and Robert Sparrow, of Ludgate-hill, wine-merchants.
 Thelwall John, of Worsworth, hat-manufacturer.
 Wainwright Charles, of Manchester, dyer.
 Walsley John, and William Walsley, of Heaton Norris, cotton-spinners.
 Wilson William Kingston Jones, of Stockwell, master-mariner.

DIVIDENDS.

Gazette, October 3.

Date of Fiat.

1822, ATKINSON Michael (ren. 1836), late of Fulbeck, Lincolnshire, and formerly of Lincoln, money-scrivener; div.

Date of Fiat.

1837, BALM Joseph, and John Rothwell, of Nottingham, and of Quorndon, Leicestershire, tatting and lace manufacturers; joint div., and sep. divs. of each.
 1837, BOWDIDGE Edward, of Cheltenham, Gloucestershire, d. c.; div.
 1836, BROWN Samuel, of Tealby, Lincolnshire, grocer, draper, and tailor; fur. div.
 1806, CLARKSON Thomas, late of Kingsbury, Warwickshire, dealer in coals; div.
 1834, COLVIN Alexander, William Ainslie, Bazett David Colvin, Thomas Anderson, and Daniel Ainslie, now or late of Calcutta, in the province of Bengal, merchants and East India agents; fur. joint div., and final sep. divs. of A. Colvin, B. D. Colvin, and Anderson.
 1837, COOPER William, of Kidderminster, Worcestershire, carpet-manufacturer; div.
 1837, CROW William Dunn, of Ecclesfield, Yorkshire, tanner; div.
 1827, DARWIN John, and Francis Frith, of Chapel-town, in Ecclesfield, and of Sheffield, both in Yorkshire, iron-founders; sep. div. of Darwin.
 1837, ELLIOTT Thomas, of Nottingham, and of Beeston, Nottinghamshire, lace-manufacturer; div.
 1837, HARWOOD Paul, of York, ironmonger; div.
 1837, HOUSMAN William, of the Close, New Sarum, Wiltshire, scrivener; div.
 1834, KIDDER John, of No. 6, Strand, St. Martin in the Fields, Middlesex, silversmith and jeweller; final div.
 1836, KINGSFORD William (ren. fiat), of Buckland, near Dover, Kent, paper-manufacturer and miller; fur. div.
 1837, LANCASHIRE Joseph, of Worsworth, Derbyshire, currier; div.
 1836, LANE George, of Monmouth-street, Bath, wine and brandy merchant; second and final div.
 1837, LEWIS Joseph, of Conwill Elvet, Carmarthenshire, draper; div.
 1837, LEWIS Seth Phillips, of the Dark-gate, Carmarthenshire, draper; div.
 1829, LIVERSIDGE Stephen, of Maebrough, in Rotherham, Yorkshire, iron-founder and sail-cloth manufacturer; final div.
 1837, MARSDEN Edward, of Dudley-hill, in Birstall, Yorkshire, worsted-manufacturer; div.
 1837, MILNES Thomas Brown, and Robert Cowen, of Nottingham, iron-founders and ironmongers; sep. div. of each.
 1834, OHMANN William Alexander, and James Colquhoun Kemp, of Liverpool, Lancashire, merchants; sep. div. of Kemp.
 1831, RUCKER Daniel Henry, John Anthony Rucker, and Henry John Rucker, of Wormwood-street, and of Mincing-lane, both in London, West India merchants and wool-merchants; fur. joint div.
 1837, STAMPER William, of Cockermouth, Cumberland, tin-plate worker; div.
 1836, SUGGETT George, of Barbican, London, merchant; div.
 1836, TWIST John, of Selby, Yorkshire, timber-merchant; div.
 1837, WILCOX Thomas, of the Broadway, Deptford, Kent, licensed victualler; div.

Gazette, October 6.

1837, BAKER George, the elder, and George Baker the younger, of Portsea, Southampton, provision-merchants and cheesemongers; div.
 1834, BARNETT John, of Tottenham-street, Fitzroy-square, Middlesex, copper-plate printer; final div.
 1835, BEARD Thomas, the elder, now or late of Dursley's Cross Inn, in Longhope, Gloucestershire, victualler; div.
 1836, BENSLEY Benjamin, of Andover, Southampton, printer; final div.

Date of Fiat.

- 1836, CATT John, of Tonbridge Wells, Kent, smith and ironmonger; div.
- 1834, CLEWS Ralph, and James Clews, of Cobridge, in Burslem, Staffordshire, manufacturers of earthenware; joint div., sep. div. of R. Clews, and fur. sep. div. of J. Clews.
- 1831, DEXTER Edward Robert, of Northampton, ironmonger; first and final div.
- 1837, DURY Jonathan, of Kidderminster, Worcestershire, grocer; div.
- 1828, FORD Samuel (ren. com.), of Birmingham, Warwickshire, merchant; div.
- 1828, HARRIS George, of Derby, woollen-draper and tailor; first and final div.
- 1837, HOPKINS Thomas, of Kidderminster, Worcestershire, carpet-manufacturer; div.
- 1803, JACKSON Henry, of Mincing-lane, London, merchant; final div.
- 1837, KIDD Joshua, of Brownlow-street, Drury-lane, Middlesex, coach-currer; div.
- 1833, KINGSFORD John, of Barton, in St. Mary Northgate, Canterbury, Kent, miller; second and final div.
- 1835, KINGSFORD Simpson, of Stany, Kent, miller; second and final div.
- 1837, LOCKETT Thomas, of Manchester, Lancashire, engraver; div.
- 1837, RATHBONE Richard, of Moor-street, Birmingham, Warwickshire, spade-maker; first and final div.
- 1834, ROSS Charles, of Register-square, in Beverley, Yorkshire, wine and porter merchant; fur. and final div.
- 1837, SMITH William, of Leatherhead, Surrey, innkeeper; div.
- 1837, WARREN Joseph, of Melbourne, Derbyshire, grocer; first and final div.
- 1835, WEATHERLEY John, of North Shields, in Tynemouth, Northumberland, brewer, wine and spirit merchant; fin. div.
- 1837, WEBB James, of Argyle-buildings, Bath, tailor and woollen-draper; div.
- 1837, WILSON John, of Lawrence-lane, London, woollen-ware-houseman; div.
- 1837, WOODHAMS John, of the Pitt's Head, Grange-road, Bermondsey, Surrey, victualler; final div.
- 1820, WOOLLEY Edward, of Bilston, Staffordshire, iron-master and screw-manufacturer; joint div. of Edward Woolley and Thomas Pretty, as ironmongers, at Tipton.
- 1836, WRIGHT Charles, of Dover-street, Piccadilly, Middlesex, hotel-keeper and wine-merchant; final div.

Gazette, October 10.

- 1837, ARMITAGE William, of Sowerby Bridge, in Halifax, Yorkshire, and also of Bradley Mills, near Huddersfield, same county, dyer; div.
- 1836, BROOKS William, of No. 7, Hatton-garden, Middlesex, jeweller; div.
- 1837, BROWN Samuel, and James Cheetham, both of Manchester, Lancashire, commission-agents; div.
- 1837, CALVERT Charles, of Manchester, Lancashire, picture-dealer; div.
- 1834, COOKE John, of South Molton-street, Middlesex, tailor; div.
- 1835, CROMPTON Thomas Livesey, of Worthington Mills, in Standish, Lancashire, paper-maker; div.
- 1832, CURRIE Donald, of No. 20, Regent-street, St. James's, army accoutrement maker and tailor; div.
- 1836, DIXON William, of Scarborough, Yorkshire, draper; div.
- 1820, GRIFFIN Thomas, the younger, late of Trentham, Staffordshire, gent.; div.

Date of Fiat.

- 1837, HEARLE George Wills, of Devonport, Devonshire, printer and stationer; div.
- 1837, HOWELL John, and John William Hentig, the younger, of Gloucester, and of Worcester, merchants; div.
- 1835, JACKSON Job, lately carrying on business at Burslem, Staffordshire, earthenware manufacturer (partner with John Clews Jackson); final joint div., and first and final sep. div. of Job Jackson.
- 1836, JACKSON John Clews, lately carrying on business at Burslem, Staffordshire, earthenware manufacturer, (partner with Job Jackson); final joint div.
- 1837, JENNINGS John, of Canterbury, hotel-keeper; second and final div.
- 1835, JONES William, of Wigmore-street, St. Marylebone, carpenter, builder, and auctioneer; div.
- 1837, JONES William, of Chorley, Lancashire, draper; div.
- 1834, LLOYD Edmund, of Harley-street, Cavendish-square, Middlesex, bookseller; div.
- 1837, NEILD John Hope, of Motley Bank, near Altringham, Cheshire, brewer; div.
- 1837, PENSAM James, of the Bell Tavern, Fleet-street, London, licensed victualler; div.
- 1837, SIDEBOTTOM Alfred, of Two Bridges, Lancashire, calico-printer and manufacturer; div.
- 1837, WILLIAMS John, of Bangor, Carnarvonshire, draper; div.
- 1836, WILLIAMS William, of Liverpool, Lancashire, and James Jackson, of Hulme, near Manchester, said county, carrying on business together at Liverpool aforesaid, under the firm of Hudson, Williams & Co., as timber-dealers; sep. div. of Williams.
- 1837, WRIGHT James Thomas, and Nathan Hackney, of Burslem, Staffordshire, earthenware manufacturers; div.

Gazette, October 13.

- 1829, BERNARD Alexander, late of the Chester Arms Inn, Chatham, Kent, victualler; div.
- 1836, BOOTH John, of Portsea, Hants, working jeweller; first and final div.
- 1836, BRODRICK Thomas, of Preston, Lancashire, watch-maker and jeweller; div.
- 1835, BURGASS Archibald Lincoln, of Blyth, Northumberland, alkali manufacturer; final div.
- 1837, CARTWRIGHT Thomas, of Manchester, Lancashire, up-merchant; div.
- 1837, DEANE John, of Sydney-square, Commercial-road, Middlesex, pasteboard manufacturer and vender of druggists' sundries; div.
- 1835, FORSTER George, of Clatterbatch Forge, in Stourbridge, Worcestershire, spade, shovel, and edge-tool manufacturer; first and final div.
- 1835, MORTIMORE Joseph Polyblank, of Devonport, Devonshire, upholsterer, cabinet-maker, and undertaker; div.
- 1837, POPE Edward, of March, Cambridgeshire, draper; div.
- 1837, SMITH William, and George Smith, both of Manchester, Lancashire, millwrights and engineers; div.

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- 1837, AUSTIN William, of the White Hart Tavern, Abchurch-lane, London, tavern-keeper and licensed victualler; final div.
- 1819, BARNES John, of Portsea, Southampton, builder; fur. and final div.
- 1837, BATT William, of Birmingham, Warwickshire, hosier, haberdasher, and pattern-card maker; div.
- 1837, BOOTHBY Benjamin, the elder, and Benjamin Boothby, the younger, of Nottingham, iron-founders; joint div., and sep. divs. of each.

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- 1837, BRICKELL John Langford, formerly of the Anchor Tavern, St. Mary at Hill, London, licensed victualler, afterwards of Tottenham-court-road, Middlesex, pawnbroker, and late of Hackney-road, Middlesex, oil-manufacturer; final div.
- 1837, BROWNE Joseph, of Manchester, Lancashire, tobaccoist and lodging-house keeper; div.
- 1835, CARR William, of New Malton, Yorkshire, linen and woollen draper and mercer; second and final div.
- 1836, COLES Charles, the elder, and Charles Coles, the younger, of Great Tower-street, London, West India brokers; final div. of Coles, jun.
- 1837, DOBBIE Andrew, of Manchester, Lancashire, publican and spirit-dealer; div.
- 1837, HICKS Charles, and William Hicks, of Christchurch, Southampton, mealmen; div.
- 1836, HOBLING Michael, of Elizabeth-street, Pimlico, Middlesex, carpenter and builder; div.
- 1835, JONES George, of Shad Thames, Horselydown, Southwark, Surrey, wharfinger and granary keeper; final div.
- 1837, JORDISON Robert, of Stockton, Durham, grocer; div.
- 1815, LEVY Jacob Abraham, of Bucklersbury, London, merchant, (trading in partnership with Solomon Abraham Levy and Valentine Isaac Valentine); final joint div.
- 1837, LEWIS William, of Birmingham, Warwickshire, hosier and haberdasher; div.
- 1835, MORTIMORE Joseph Polyblank, of Devonport, Devonshire, upholsterer, cabinet-maker, and undertaker; final div.
- 1837, NOTT Manford, of St. Lawrence, Reading, Berkshire, toy-dealer; div.
- 1837, POPE Edward, of March, Cambridgeshire, draper; div.
- 1819, PRATTINTON William, and Adam Lyttleton Prattinton, of Bewdley, Worcestershire, grocers; fur. div.
- 1836, PROCKTER James Simpson, of Blue Anchor-road, Bermondsey, Southwark, Surrey, glue manufacturer and tallow-melter; final div.
- 1825, SCOTT Charles, of Constantine, Cornwall, scrivener; second div.
- 1836, SMITH John, of Scatcliffe Mill, in Rochdale, Lancashire, corn-miller; div.
- 1837, TABERER Thomas, of Birmingham, Warwickshire, cheese-monger; div.
- 1834, WIDGER Austin, of Buckfastleigh, Devonshire, woollen-draper; div.
- 1834, WILSON Thomas, late of Manchester, Lancashire, joiner and builder; div.

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- 1837, CARTER John, of Rumbidge, in Eling, Southampton, tanner; div.
- 1837, CHAMBERS Charles, of Holles-street, Cavendish-square, Marylebone, Middlesex, milliner; div.
- 1836, CHRISTMAS Charles James, and William Hart, both of Church-passage, Rotherhithe, Surrey, cement-manufacturers; div.
- 1837, DAVENPORT George Sutton, of Chester, woollen-draper; div.
- 1834, DAVIES Thomas Charles, late of Wrexham, Denbighshire, grocer and tallow-chandler; final div.
- 1837, DOWN Daniel, and Joseph Down, of High Holborn, and of the Strand, both in Middlesex, and of Bread-street, Cheapside, London, hatters; div.
- 1837, FOWLER Matthias, of Lymington, Southampton, wine-merchant and victualler; div.
- 1837, FOWLER Thomas, of Basingstoke, Southampton, victualler; div.
- 1830, FRISBY Richard, Richard Miles Frisby, and Henry Frisby, of Mark-lane, London, wine-merchants; sep. div. of H. Frisby.

Date of Fiat.

- 1833, FRY James, of Wrotham, Kent, corn-dealer; final div.
- 1837, HOOK William, of Devonport, Devonshire, linen-draper; div.
- 1827, LARGE John, of Great Queen-street, Lincoln's Inn-fields, Middlesex, coach-maker; div.
- 1837, PEARNS William Hill, of Coventry, silkman; div.
- 1837, STANBRIDGE Charles, William Forbes Marshall, and Thomas Robinson Williams, of Lamb's-buildings, Bunhill-row, Middlesex, manufacturers of artificial skins and japanned silk wares; div.
- 1837, SYERS Thomas, of Clayton-square, Liverpool, Lancashire, tailor and draper; div.
- 1829, TERRY William, and John Terry, of Bath, hardwaremen and ironmongers; first and final sep. div. of W. Terry.
- 1837, WALL Thomas Edward, late of Dudbridge Wharf, in Stonehouse, Gloucestershire, coal-dealer, but now of Stroud, same county, coal-dealer and spirit-merchant; fur. and final div.
- 1837, WIDNELL Henry, of Kidderminster, Worcestershire, carpet-manufacturer; div.
- 1837, WILLIAMS John, of Cardiff, Glamorganshire, draper; div.

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- 1837, ARNOULD Joseph, of No. 17, King William-street, West Strand, Middlesex, bookseller; div.
- 1837, BENTON Samuel, of Fore-street, London, linen-draper; div.
- 1836, BOOTH John, of Portsea, Hants, working jeweller; first and final div.
- 1811, BRYANT Frederick, of Holborn, Middlesex, leather-dresser and leather-seller; final div.
- 1813, FAIRHURST George, of Grimsditch Mills, Cheshire, corn-dealer; div.
- 1836, FEA Charles, now or late of Canterbury, Kent, woolstapler; final div.
- 1833, FLETCHER Thomas, William Stanley Roscoe, Richard Roberts, John Tarleton, and Francis Fletcher, of Liverpool, Lancashire, bankers; div.
- 1837, FOWLER Matthias, of Lymington, Southampton, wine-merchant and victualler; div.
- 1830, GARRATT George, of the Sun and Sportsman, High-street, St. Marylebone, Middlesex, victualler; final div.
- 1836, HAYLMORE John, now or late of Abchurch-lane, London, currier and leather-seller; final div.
- 1837, HUGHES Maria Ann, of Birmingham, Warwickshire, iron-monger; div.
- 1837, JOHNSTONE Robert, of Chelmsford, Essex, woollen-draper; final div.
- 1837, MUNDY Samuel, and Joseph Mundy, of Bradford, Wiltshire, clothiers; div.
- 1837, PHILLIPS Charles, and William Parsons (ren fiat), late of Broseley, Salop, ironmongers; joint and sep. divs.
- 1837, PILGRIM William, and Richard Pilgrim, of Nottingham, drapers; joint div.
- 1831, POTTER John, of Chorlton-row, in Manchester, Lancashire, and William Maude, of Darwen, in Blackburn, said county, calico-printers; sep. div. of Potter.
- 1837, WIDNELL Henry, of Kidderminster, Worcestershire, carpet-manufacturer; div.
- 1837, WILLIAMS John, of Abergavenny, Monmouthshire, cabinet-maker, upholsterer, and auctioneer; div.

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- 1837, BAKER Charles, of the Back of the Walls, Southampton, timber-merchant; div.
- 1830, BEATTIE William, late of St. Paul's-churchyard, London, pocket-book maker; div.
- 1812, BOLDERO Charles, Edward Gale Boldero, Sir Henry Lushington, bart., and Henry Boldero, of Cornhill, London, bankers; final div.

Date of Fiat.

- 1837, BREARLEY John, John Samuel Wood, and Joseph Wood, of Wellfield Mills, near Rochdale, Lancaster, corn-millers; first and final div.
- 1836, BURROWS Emanuel, of Chesterfield, Derbyshire, and of Warsop, Nottinghamshire, maltster and miller; first and final div.
- 1836, BURWELL Joseph, and Henry Crookes, both of Huddersfield, Yorkshire, cloth-merchants; div.
- 1836, BUTLER Charles, of Tonbridge Wells, Kent, Tonbridge-ware manufacturer; div.
- 1826, GEORGE John, of London-wall, London, coach-builder; div.
- 1829, HAFNER Martin, of Cannon-street, St. George, Middlesex, carpenter; final div.
- 1836, MARSHALL Thomas, of No. 97, High-street, Whitechapel, Middlesex, cheesemonger; final div.
- 1837, MARTIN George, of Burnham, Bucks, shopkeeper; div.
- 1836, NEALE Charles, of Leamington Priors, Warwickshire, chemist and druggist; div.
- 1837, PRINCE John, of Chesterfield, Derbyshire, leather-dresser; div.
- 1837, RAMSBOTHAM Joseph, and Edward Ramsbotham, of Chew Moor, within Lostock, Lancashire, cotton-spinners; first and final div.
- 1837, SMITH Francis, of Crawford-street, Marylebone, Middlesex, linen-draper; div.
- 1834, VOUTIER Francois, of No. 12, Rue de Clery, in Paris, in France, merchant; div.

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- 1837, BARNETT Thomas, the younger, of Wolverhampton, Staffordshire, ironmonger; div.
- 1837, CANDEN John, and George Parkes, of Liverpool, Lancashire, linen-drapers; div.

Date of Fiat.

- 1837, CARR Thomas, and William Hartley Carr, of Dewsbury Moss, Dewsbury, Yorkshire, woollen-manufacturers; div.
- 1837, COOK Thurston, of Shrewsbury, Salop, grocer; div.
- 1837, COTTON William, of Deptford, Kent, victualler; div.
- 1837, DAVIES Thomas, of Ledbury, Herefordshire, victualler; div.
- 1837, FLETCHER Samuel, of Jew's Harp Wharf, Regent's Canal-basin, Middlesex, coal-merchant; div.
- 1837, FLOWER Edward, of No. 48, Greek-street, St. Ann, Soho, Middlesex, manufacturing goldsmith and pearl-worker; div.
- 1836, GOFF John, of Liverpool, Lancashire, grocer; div.
- 1837, GREEN James, of Exeter, civil engineer; div.
- 1830, HALL Thomas (ren. fiat), late of Newtown, Montgomeryshire, flannel manufacturer; div.
- 1837, JACOB Charles, and Richard Davis Jacob, of George-yard, Lombard-street, London, merchants and ship-owners; final div.
- 1828, JACQUES John Berry, of Bristol, biscuit-baker; final div.
- 1832, MABERLY John, of Bread-street, Cheapside, London, and also of John-street, Berkeley-square, Middlesex, banker; div.
- 1836, PRICE Thomas, and John Hinckley Powell, of Hay, Brecon, d. c.; div.
- 1837, RICHARDS Mary Ann, and Eliza Reece, of Wolverhampton, Staffordshire, milliners and dress-makers; div.
- 1806, SINCLAIR Archibald, of Castle-court, Birchin-lane, London, merchant and insurance-broker; final div.
- 1812, WILCKENS Henry, and John Gabriel Migault, late of Liverpool, Lancashire, merchants; joint and sep. divs.
- 1837, WILMOT John, of Lenton, Nottinghamshire, and of Nottingham, coach-proprietor; div.

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FOR THE YEAR 1836.

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